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Section 1
Public Law 94-458
Law Enforcement Authority
Instructor Guide
Public Law 94-458

Law Enforcement Authority

References:
16-18 USC
Public Law 94-458
House Report (PL 94-458)
"Laws Relating to the National Park Service"

Authority and Jurisdiction......different yet mutually embracing.

Jurisdiction......authority to act.

Two classes of jurisdiction:

1. Offense oriented
   a. Dependent on crime not property ownership. Such as FBI, DEA and ATF.

2. Territorial oriented jurisdiction
   a. Dependent on property ownership. Such as NPS and USFS.

Essentially for the National Park Service:

1. Jurisdiction......where you can take action.

2. Authority........how you can act.

Trace authority:

1873......1897......1905......1933......1964

Emphasize Acts 1905 and 1933......all employees vested with authority.

Origin of authorities legislation......PL 94-458

Illustrate by Scoyen memo of 04/11/56......Title "Authority for Park Rangers to Serve Warrants".

Give incident......Yellowstone 1976......Sex crime.

Judge determined rangers had no authority in crimes against people despite exclusive jurisdiction.
Authority to carry firearms never specific......Solicitor's determination but no legal basis.

PL 94-458
Congressman Roy Taylor, North Carolina, introduced legislation, really omnibus Bill......many elements besides law enforcement.

Bill passed both House and Senate in short order......now incorporated in 16 USC, 1976 Edition.

NOTE: This Bill amends and repeals many previous Acts. To fully comprehend impact, should refer to prior legislation.

UTILIZE: "Laws Relating to the National Park Service"

Basically eleven (11) elements......(cover those except law enforcement first)

NOTE: See Authorities Bill (1) thru (11) pages 12-16.

Element 1:
Amends Act of August 18, 1970....."Administration of National Park Service. Sec. 3 referred to.....deals with entering into contracts with persons, states, or political sub-divisions for the purpose of providing services to NPS visitors. Essentially restricts authority for such agreements. Prohibits entering into those agreements that would jeopardize or unduly interfere with the primary natural or historic resource.

Example: MCA......Yosemite......restricts authority to promote concession operations.

Element 2:
Also amends Act of August 18, 1970. Authorizes promulgation and enforcement of regulations concerning boating and other activities on or relating to water. Includes authority on waters subject to jurisdiction of the United States navigable water.
NOTE: Regulations must be complementary to U. S. Coast Guard authority on navigable waters......New Section 3 of CFR 36.

Element 3:
Meals and lodging......also amends Act of August 18, 1970.
Provides authority to furnish meals and lodging for USPP and other NPS employees on extended duties in NPS areas.
Not a critical element but allows for providing meals and lodging in lieu of per diem. Mainly applicable to USPP on such extended details as inaugurations.

Element 4:
Moving expenses for dependents......also amends Act of August 18, 1970 PL 84-825. Applies only to dependents of deceased NPS employees who were required to occupy government housing.
Includes cost of packing, crating and transporting household furnishings plus travel expenses of dependents to nearest available housing of similar standards.
NOTE: The death does not have to be in the line of duty. Maximum of sixty days rent. Required occupancy an element.

Element 5:
Legislative jurisdiction......provides Secretary of the Interior with authority to relinquish part of legislative jurisdiction.
Allows Secretary of the Interior to move from exclusive to concurrent jurisdiction without special act of Congress that was previously required.
NOTE: Prior to relinquishment, proposal must be submitted to committees on Interior and insular affairs for review; plus a sixty (60) day waiting period. Primarily aimed at moving from exclusive to concurrent jurisdiction in areas such as Petersburg, Guilford Courthouse, etc. Expressed intent of USDI is to move toward concurrent jurisdiction. This element facilitates that position.
Element 6:
Uniform allowance.....raises maximum uniform allowance to $400 annually.

NOTE: $400 is maximum allowance. Amount dependent on uniform requirements of specific area. Such as Class "A", Class "B", winter, summer, etc.

Element 7:
Identify areas of potential NPS status......requires the Service to investigate, study and monitor those areas of national significance.

At the beginning of each fiscal year, October 1, Service must submit to Congress a list of not less than twelve (12) areas that appear to qualify for inclusion in the National Park system. In addition, the Department of the Interior is required to submit, annually, a list of those areas in registry of natural landmarks of national register of historic places which exhibit known damage or anticipated threat. (Controversial with some agencies such as USFS and BLM.)

Element 8:
Advisory Board......amends Act of August 21, 1935 dealing with preservation of historic sites, buildings, etc.

Establishes by law the Secretary's Advisory Board. Allows for interested citizens group to suggest nominees for the Secretary. Changes criteria to include individuals with competence in field of Natural Science in addition to history, archaeology and architecture. Sets term at four (4) years.

Element 9:
Freedom of Information Act exceptions......amends Public Law 89-655......
Freedom of Information Act.
Permits the National Park Service to withhold from disclosure to the public, information relating to location of sites or objects on the National Register where such information could create a risk of destruction or harm. Primarily intended for archaeological sites and battlefield sites.

Example: Detailed maps to known artifact hunters. Emphasize that all NPS historical areas are automatically included on the National Register.

Element 10:
General Management Plans......Directs the Secretary not later than January 15 of each year to submit to the committee development programs for each unit of the park system consistent with general management plans. This development program should be identical to the itemized list of development projects submitted in connection with the then current fiscal year budget which is submitted to the appropriations committee. This provision also directs that general management plans be prepared by the Director and transmitted to the Interior committees to include facilities for concession use.

It further provides for the Secretary to transmit to the committees all proposed awards of concession leases and contracts involving a gross annual business in excess of $100,000 or exceeding five (5) years plus all proposed rules and regulations relating to these leases and/or contracts.

Repeals Act of July 14, 1956 dealing with reporting requirements in connection with NPS concession awards.

Element 11:

Repeals 1897......Military Parks......The superintendent or any guardian is authorized to arrest forthwith any person engaged in......
Amended 1905......That all persons employed in the forest reserve and the National Park Service shall have authority to make arrests for violation of the laws and regulations relating to the forest reserves and National Parks.

Amended by deleting words National Park Service and National Parks.

Repealed 1933--16 USC 10a--The commissioner, superintendents, caretakers, officers or guards of such military parks, national parks, battlefield sites, national monuments and miscellaneous memorials or any of them are authorized to make arrests......

Repealed 1964......Lake Mead......The superintendent, caretakers, officers or rangers of such recreation area are authorized to make arrests......

All previous statutory authority to make arrests is repealed by this Act.

Designation
The Secretary of the Interior is authorized to designate, pursuant to standards prescribed in regulations by the Secretary, certain officers or employees of the Department of the Interior who shall maintain law and order and protect persons and property with areas of the National Park Service.

Key Elements:
1. Secretary to designate.
2. Standards prescribed--DM 446
3. Employees of the Department......not restricted to NPS......eliminates concern expressed in Yellowstone case Re: Rangers authority in crimes against persons.

Authority
1. Carry firearms......not qualified in public law.
2. Make arrests without warrant for any offense against the United States
committed in his presence or for any felony cognizable under laws of the United States if he has reasonable grounds to believe that the person to be arrested has committed or is committing such felony provided such arrests occur within that system or the person to be arrested is fleeing there from to avoid arrest.

Key Elements:

1. Arrest for any offense against the United States
   a. Misdamors......in presence
   b. Felony...........probable cause

Any offense against the United States includes all CFR 36.

In areas of exclusive and concurrent jurisdiction, authority would also include those elements dealing with "Maritime and Territorial Jurisdiction" plus utilization of Assimilated Crimes Act.

Proprietary jurisdiction......Only those violations of federal law that are not dependent on federal ownership of land. (See Briggle Memorandum dated April 15, 1977)

Examples: Narcotics, firearms, kidnapping, Lacey Act, etc.

2. Provided such arrests occur within that system or the person to be arrested is fleeing there from to avoid arrest. - Must Maintain Visual Contact

Essentially hot pursuit authority is person to be arrested for any offense against the United States fleeing to avoid arrest.
3. Execute 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 arising out of an offense committed in that system or where the person subject to the warrant or process is in that system in connection with any federal offense.

Key Elements:
1. Execute warrants or other process.....includes arrest, search warrants plus summons, etc.
2. Federal warrants only......no authority for State warrants.
3. For offense committed in that system......serve warrants for offenses occurring within NPS jurisdiction......cannot serve for other agencies at discretion of court......no authority.
4. On subject within system......may serve warrant on subject who happens to be within National Park system irregardless of origin of incident or warrant provided it is federal warrant.

NOTE: Authority very broad on warrants......suggest clear and specific guidelines due to inherent danger in serving warrants.

4. Conduct investigations of offenses against the United States committed in that system in the absense of investigation there of by any other federal law enforcement agency having investigative jurisdiction over the offense committed or with the concurrence of such other agency.

Key Elements:
1. Offense must be against the United States......make sure understand
that it is an offense against the United States......jurisdiction
critical.

Example: Murder......a federal crime in exclusive and concurrent
jurisdiction only......murder, rape, etc. not a violation
of federal law in proprietary jurisdiction.

2. Authority to investigate prefaced on lack of or concurrence with
agency of primary jurisdiction. Point out jurisdiction of federal
agencies such as FBI, ATF, DEA, USFWS. Suggest that contacts
are made with representatives of these agencies to establish
guidelines prior to an incident.

NOTE: Point out shifts in emphasis among other agencies, i.e., FBI
to white collar and organized crime.

Designate officers of other agencies to act as special policemen.

Key Elements:

1. May designate officers of any federal, state or political subdivision.

2. When deemed economical and in best interest of the National Park
Service.

3. Agency must concur in designation......pre-existing agreement
suggested.

4. Authority is only to supplement NPS law enforcement program.

5. Officers designated must meet same standards as NPS law enforcement
officers......Solicitor's determination.

6. Cooperate with state and local officers in the enforcement of their
law and ordinances......deputization.

7. Provide reimbursement for these services provided by other agencies
where the state has ceded concurrent jurisdiction.

Key:
"The authorities provided by this subsection shall supplement the law enforcement responsibilities of the service and shall not authorize the delegation of law enforcement responsibilities of the agency to state and local government".

Key:
Intent of law is clear.......outside assistance only to supplement NPS activities. Designated state or local officer not to be considered a federal employee and not subject to the provisions of law relating to federal employees.

Example: Working hours, pay rates, unemployment and federal benefits. However, designated officer, when acting as a special officer under this law is covered by:

1. Federal Tort Claims provisions of Title 28
2. On job injuries......Chapter 81, Title 5

Key:
Special officers should meet same training standards as NPS including basic qualifications as well as refresher training and firearms qualifications.

Key:
Intent (Refer to House Report)
The Committee intends that the clear and specific enforcement authority contained in this subsection, while necessary for the protection of the Federal employees so involved, will be implemented by the Secretary to ensure that law enforcement activities in our National Park System will continue to be viewed as one function of a broad program of visitor and resource protection. Law enforcement duties should be a function of the National Park ranger, along with a diversity of other protection concerns.
It is not intended here that law enforcement responsibilities should fall on a small number of individuals as their exclusive duty. In like manner, the carrying of firearms and other defensive equipment should be done with a view toward maintaining the appearance of all designated employees as representatives of a resource and people serving agency, and not as members of an organization whose only function is law enforcement.
Section 2

Authorities Bill

Public Law 94-458-Oct. 7, 1976
AUTHORITIES BILL

PUBLIC LAW 94-458—OCT. 7, 1976

90 STAT. 1939

Public Law 94-458
94th Congress

An Act

To amend the Act approved August 18, 1970, providing for improvement in the administration of the National Park System by the Secretary of the Interior and clarifying authorities applicable to the National Park System, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Act approved August 18, 1970 (84 Stat. 825; 16 U.S.C. 1a-1 et seq.), is amended as follows:

(1) In subsection (e), after “within an area of the national park system,” insert “as long as such activity does not jeopardize or unduly interfere with the primary natural or historic resource of the area involved.”

(2) At the end of subsection (g), change the period to a semicolon and add the following new subsections:

“(h) promulgate and enforce regulations concerning boating and other activities on or relating to waters located within areas of the National Park System, including waters subject to the jurisdiction of the United States: Provided. That any regulations adopted pursuant to this subsection shall be complementary to, and not in derogation of, the authority of the United States Coast Guard to regulate the use of waters subject to the jurisdiction of the United States;

“(i) provide meals and lodging, as the Secretary deems appropriate, for members of the United States Park Police and other employees of the National Park Service, as he may designate, serving temporarily on extended special duty in areas of the National Park System, and for this purpose he is authorized to use funds appropriated for the expenses of the Department of the Interior.”

Sec. 2. Such Act of August 18, 1970, is further amended by adding the following new sections:

“Sec. 5. Section 11 of the Act of May 26, 1930 (46 Stat. 383; 16 U.S.C. 17j), is amended to read as follows:

“Sec. 11. In the administration of the National Park System, the Secretary of the Interior is authorized, under regulations prescribed by him, to pay (a) the traveling expenses of employees, including the costs of packing, crating, and transporting (including draying) their personal property, upon permanent change of station of such employees and (b) the traveling expenses as aforesaid of dependents of deceased employees (i) to the nearest housing reasonably available and of a standard not less than that which is vacated, and to include compensation for not to exceed sixty days rental cost thereof, in the case of an employee who occupied Government housing and the death of such employee requires that housing to be promptly vacated, and (ii) to the nearest port of entry in the conterminous forty-eight States in the case of an employee whose last permanent station was outside the conterminous forty-eight States.”

“Sec. 6. Notwithstanding any other provision of law, the Secretary of the Interior may relinquish to a State, or to a Commonwealth, territory, or possession of the United States, part of the legislative jurisdiction, relinquishment.
Proposed agreement, submittal to congressional committees.

Uniform allowance.

Investigation and study.

Reports to Speaker of the House and President of the Senate.

Annual listing, transmittal to Speaker of the House and President of the Senate.

Printing as House document.

National Park System Advisory Board. Establishment.

diction of the United States over National Park System lands or interests therein in that State, Commonwealth, territory, or possession:

Provided, That prior to consummating any such relinquishment, the Secretary shall submit the proposed agreement to the Committees on Interior and Insular Affairs of the United States Congress, and shall not finalize such agreement until sixty calendar days after such submission shall have elapsed. Relinquishment of legislative jurisdiction under this section may be accomplished (1) by filing with the Governor (or, if none exists, with the chief executive officer) of the State, Commonwealth, territory, or possession concerned a notice of relinquishment to take effect upon acceptance thereof, or (2) as the laws of the State, Commonwealth, territory, or possession may otherwise provide. The Secretary shall diligently pursue the consummation of arrangements with each State, Commonwealth, territory, or possession within which a unit of the National Park System is located to the end that insofar as practicable the United States shall exercise concurrent legislative jurisdiction within units of the National Park System.

"Sec. 7. Notwithstanding subsection 5901(a) of title 5, United States Code (80 Stat. 508), as amended, the uniform allowance for uniformed employees of the National Park Service may be up to $400 annually.

"Sec. 8. The Secretary of the Interior is directed to investigate, study, and continually monitor the welfare of areas whose resources exhibit qualities of national significance and which may have potential for inclusion in the National Park System. At the beginning of each fiscal year, the Secretary shall transmit to the Speaker of the House of Representatives and to the President of the Senate, comprehensive reports on each of those areas upon which studies have been completed. On this same date, and accompanying such reports, the Secretary shall transmit a listing, in generally descending order of importance or merit, of not less than twelve such areas which appear to be of national significance and which may have potential for inclusion in the National Park System. Threats to resource values, and cost escalation factors shall be considered in listing the order of importance or merit. Such listing may be comprised of any areas heretofore submitted under terms of this section, and which at the time of listing are not included in the National Park System. The Secretary is also directed to transmit annually to the Speaker of the House of Representatives and to the President of the Senate, at the beginning of each fiscal year, a complete and current list of all areas included on the Registry of Natural Landmarks and those areas of national significance listed on the National Register of Historic places which areas exhibit known or anticipated damage or threats to the integrity of their resources, along with notations as to the nature and severity of such damage or threats. Each report and annual listing shall be printed as a House document.

"Sec. 9. Section 3 of the Act of August 21, 1935 (40 Stat. 666, 667; 16 U.S.C. 461, 463), is amended to read as follows:

"Sec. 3. (a) A general advisory board to be known as the National Park System Advisory Board is hereby established, to be composed of not to exceed eleven persons, citizens of the United States, to include but not be limited to representatives competent in the fields of history, archaeology, architecture, and natural science, who shall be appointed by the Secretary for a term not to exceed four years. The Secretary shall take into consideration nominations for appointees from public and private, professional, civic, and educational societies, associations, and institutions. The members of such board shall receive no salary
but may be paid expenses incidental to travel when engaged in discharging their duties as members. It shall be the duty of such board to advise the Secretary on matters relating to the National Park System, to other related areas, and to the administration of this Act, including but not limited to matters submitted to it for consideration by the Secretary, but it shall not be required to recommend as to the suitability or desirability of surplus real and related personal property for use as an historic monument.

"(b) The National Park System Advisory Board shall continue to exist until January 1, 1990. In all other respects, it shall be subject to the provisions of the Federal Advisory Committee Act."

"Sec. 10. (a) The arrest authority relating to the National Park Service is hereby amended in the following respects:

"(1) Section 3 of the Act of March 3, 1897 (29 Stat. 621; 16 U.S.C. 415), as supplemented; relating to certain arrest authority relative to national military parks, is hereby repealed;

"(2) The first paragraph of that portion designated ‘GENERAL EXPENSES—FOREST SERVICE’ of the Act of March 3, 1905 (33 Stat. 872; 16 U.S.C. 10, 559), as amended, relating in part to arrest authority relative to laws and regulations applicable to forest reserves and national parks, is amended by deleting the words ‘and national park service’, ‘and national parks’, and ‘or national parks’;

"(3) Section 2 of the Act of March 2, 1933 (47 Stat. 1420; 16 U.S.C. 10a), as amended, relating to certain arrest authority for certain employees of the National Park Service, is hereby repealed; and

"(4) The second paragraph of section 6 of the Act of October 8, 1964 (78 Stat. 1041; 16 U.S.C. 460n-5), as amended, relating to certain arrest authority relative to the Lake Mead National Recreation Area, is hereby repealed.

"(b) In addition to any other authority conferred by law, the Secretary of the Interior is authorized to designate, pursuant to standards prescribed in regulations by the Secretary, certain officers or employees of the Department of the Interior who shall maintain law and order and protect persons and property within areas of the National Park System. In the performance of such duties, the officers or employees, so designated, may—

"(1) carry firearms and make arrests without warrant for any offense against the United States committed in his presence, or for any felony cognizable under the laws of the United States if he has reasonable grounds to believe that the person to be arrested has committed or is committing such felony, provided such arrests occur within that system or the person to be arrested is fleeing therefrom to avoid arrest;

"(2) execute 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 arising out of an offense committed in that system or, where the person subject to the warrant or process is in that system, in connection with any Federal offense; and

"(3) conduct investigations of offenses against the United States committed in that system in the absence of investigation thereof by any other Federal law enforcement agency having investigative jurisdiction over the offense committed or with the concurrence of such other agency.
"(c) The Secretary of the Interior is hereby authorized to—
   "(1) designate officers and employees of any other Federal agency or law enforcement personnel of any State or political subdivision thereof, when deemed economical and in the public interest and with the concurrence of that agency or that State or subdivision, to act as special policemen in areas of the National Park System when supplemental law enforcement personnel may be needed, and to exercise the powers and authority provided by paragraphs (1), (2), and (8) of subsection (b) of this section;
   "(2) cooperate, within the National Park System, with any State or political subdivision thereof in the enforcement of supervision of the laws or ordinances of that State or subdivision; and
   "(3) provide limited reimbursement, to a State or its political subdivisions, in accordance with such regulations as he may prescribe, where the State has ceded concurrent legislative jurisdiction over the affected area of the system, for expenditures incurred in connection with its activities within that system which were rendered pursuant to paragraph (1) of this subsection.
   "(4) the authorities provided by this subsection shall supplement the law enforcement responsibilities of the National Park Service, and shall not authorize the delegation of law enforcement responsibilities of the agency to State and local governments.

"(d)(1) Except as otherwise provided in this subsection, a law enforcement officer of any State or political subdivision thereof designated to act as a special policeman under subsection (c) of this section shall not be deemed a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including, but not limited to, those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal benefits.

"(2) For purposes of the tort claim provisions of title 28, United States Code, a law enforcement officer of any State or political subdivision thereof shall, when acting as a special policeman under subsection (c) of this section, be considered a Federal employee.

"(3) For purposes of subchapter I 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 political subdivision thereof shall, when acting as a special policeman under subsection (c) of this section 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 of that subchapter shall apply.

"(e) Nothing contained in this Act shall be construed or applied to limit or restrict the investigative jurisdiction of any Federal law enforcement agency other than the National Park Service, and nothing shall be construed or applied to affect any right of a State or a political subdivision thereof to exercise civil and criminal jurisdiction within the National Park System.

"Sec. 11. Section 101(a) of title I of Public Law 80-655 (80 Stat. 015: 16 U.S.C. 470a), is amended by adding thereto a new paragraph to read as follows:

"'(4) to withhold from disclosure to the public, information relating to the location of sites or objects listed on the National Register whenever he determines that the disclosure of specific information would create a risk of destruction or harm to such sites or objects.'

"Sec. 12. (a) Not later than January 15 of each calendar year, the Secretary of the Interior shall transmit to the Committees on Interior and Insular Affairs a detailed program for the development of facili-
ties, structures, or buildings for each unit of the National Park System consistent with the general management plans required in subsection (b) of this section.

"(b) General management plans for the development of each unit of the National Park System, including the areas within the national capital region, shall be prepared by the Director of the National Park Service and transmitted to the Committees on Interior and Insular Affairs. Such plans shall include:

"(1) the facilities which the Director finds necessary to accommodate the health, safety, and recreation needs of the visiting public, including such facilities as he may deem appropriate to provide in accordance with the provisions of the Act of October 9, 1965 (79 Stat. 969):

"(2) the location and estimated cost of all such facilities; and

"(3) the projected need for any additional facilities required for such unit.

"(c) The Secretary of the Interior shall hereafter transmit to the Committees on Interior and Insular Affairs all proposed awards of concession leases and contracts involving a gross annual business of $100,000 or more, or exceeding five years in duration (including renewals thereof), and all proposed rules and regulations relating thereto, sixty days before such awards are made or such rules and regulations are promulgated. The Act of July 14, 1956 (70 Stat. 543) is hereby repealed."

Approved October 7, 1976.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–1569 accompanying H.R. 11887 (Comm. on Interior and Insular Affairs).

SENATE REPORT No. 94–1190 (Comm. on Interior and Insular Affairs).

CONGRESSIONAL RECORD, Vol. 122 (1976):

Sept. 17, considered and passed Senate.

Sept. 21, considered and passed House, amended, in lieu of H.R. 11887.

Sept. 23, Senate agreed to House amendment.

Note.—A change has been made in the slip law format to provide for one-time preparation of copy to be used for publication of both slip laws and the United States Statutes at Large volumes. Comments from users are invited by the Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20408.
Section 3
House Report
AMENDING THE ACT APPROVED AUGUST 18, 1970, PROVIDING FOR IMPROVEMENT IN THE ADMINISTRATION OF THE NATIONAL PARK SYSTEM BY THE SECRETARY OF THE INTERIOR AND CLARIFYING AUTHORITIES APPLICABLE TO THE NATIONAL PARK SYSTEM, AND FOR OTHER PURPOSES

SEPTEMBER 16, 1976.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. Haley, from the Committee on Interior and Insular Affairs, submitted the following

REPORT

[To accompany H.R. 11887]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 11887) to amend the Act approved August 18, 1970, providing for improvement in the administration of the National Park System by the Secretary of the Interior and clarifying authorities applicable to the National Park System, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Page 1, beginning on line 16, strike out all after the enacting clause and insert in lieu thereof the following:

That section 3 of the Act approved August 18, 1970 (84 Stat. 826; 16 U.S.C. 1a-1 et seq.), is amended as follows:

1. In subsection (e), after “within an area of the national park system,” insert “as long as such activity does not jeopardize or unduly interfere with the primary natural or historic resource of the area involved.”

2. At the end of subsection (g), change the period to a semicolon and add the following new subsections:

"(h) promulgate and enforce regulations concerning boating and other activities on or relating to waters located within areas of the National Park System, including waters subject to the jurisdiction of the United States; Provided, That any regulations adopted pursuant to this subsection shall be complementary to, and not in derogation of, the authority of the United States Coast Guard to regulate the use of waters subject to the jurisdiction of the United States;"

"(i) provide meals and lodging, as the Secretary deems appropriate, for members of the United States Park Police and other employees of the National Park Service, as he may designate, serving temporarily on extended special duty in areas of the National Park System, and for this purpose he
is authorized to use funds appropriated for the expenses of the Department of the Interior.

Sec. 2. Such Act of August 18, 1970, is further amended by adding the following new sections:

(1) "Sec. 5. Section 11 of the Act of May 20, 1930 (46 Stat. 883; 16 U.S.C. 171), is amended to read as follows:

"Sec. 11. In the administration of the National Park System, the Secretary of the Interior is authorized, under regulations prescribed by him, to pay (a) the traveling expenses of employees, including the costs of packing, crating and transporting (including draying) their personal property, upon permanent change of station of such employees, and (b) the travelling expenses as aforesaid of dependent employees (1) to the nearest post of entry in the conterminous forty-eight States of an employee whose last permanent station was outside the conterminous forty-eight States."

(2) "Sec. 6. Notwithstanding any other provision of law, the Secretary of the Interior is hereby authorized, as the laws of the State, Commonwealth, territory, or possession may otherwise provide, to convey, lease, or otherwise dispose of National Park System lands or interests therein in that State, Commonwealth, territory, or possession: Provided, That prior to consummating any such relinquishment, the Secretary shall submit the proposed agreement to the Committees on Interior and Insular Affairs of the United States Senate, comprehensive reports on each of those areas upon which studies have been completed (1) by filing with the Governor (or, if none exists, with the chief executive officer) of the State, Commonwealth, territory, or possession concerned a notice of relinquishment to take effect upon acceptance thereof, or (2) as the laws of the State, Commonwealth, territory, or possession may otherwise provide.

(3) "Sec. 7. Notwithstanding subsection 5001(a) of Title 5, United States Code (80 Stat. 508), as amended, the uniform allowance for uniformed employees of the National Park Service may be up to $400 annually."

Sec. 8. The Secretary of the Interior is directed to investigate, study, and continually monitor the welfare of areas whose resources exhibit qualities of national significance and which may have potential for inclusion in the National Park System. The Secretary shall transmit to the Speaker of the House of Representatives and to the President of the Senate, comprehensive reports on each of those areas upon which studies have been completed. On the same date, and accompany such reports, the Secretary shall file a current list of all included on the National Register of Historic Places, which areas exhibit known or anticipated damage or threats to the integrity of such features, along with notations as to the extent of such damage or threats. Each report and annual listing shall be printed as a House document.

(5) "Sec. 9. Section 3 of the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 401, 403), is amended to read as follows:"

"Sec. 3. (a) A general advisory board to be known as the National Park System Advisory Board is hereby established, to be composed of no less than eleven persons, citizens of the United States, to include but not be limited to representatives competent in the fields of history, archaeology, architecture and natural science, who shall be appointed by the Secretary for a term not to exceed four years. The Secretary shall take into consideration nominations for appointments from public and private, professional, civil, educational, and cultural associations, and institutions. The members of such board shall receive no salary but may be paid expenses incidental to travel when engaged in discharging their duties as members. It shall be the duty of such board to advise the Secretary in matters relating to the National Park System and the territories, areas, and to the administration of this Act, including but not limited to matters submitted to it for consideration by the Secretary, but it shall not be required to recommend as to the suitability or desirability of surplus real and related personal property to be used as an historic monument, association, or institution."

(b) The National Park System Advisory Board shall continue to exist until January 1, 1990. In all other respects, it shall be subject to the provisions of the Federal Advisory Committee Act.

Sec. 10. (a) The arrest authority relating to the National Park Service is hereby amended in the following respects:

"(1) Section 3 of the Act of March 3, 1897 (29 Stat. 621; 16 U.S.C. 415), as amended, relating to certain arrest authority relative to national military parks, is hereby repealed.

"(2) The first paragraph of that portion designated "General Expenses, Forest Service" of the Act of March 3, 1905 (33 Stat. 587; 16 U.S.C. 10, 550), as amended, relating in part to arrest authority relative to laws and regulations applicable to forest reserves and national parks, is amended by deleting the words "and national park service," and "national parks;"

"(3) Section 2 of the Act of March 2, 1933 (47 Stat. 1420; 16 U.S.C. 10a), as amended, relating to certain arrest authority for certain employees of the National Park Service, is hereby repealed; and"


(b) In addition to any other authority conferred by law, the Secretary of the Interior is authorized to designate, pursuant to standards prescribed by the Secretary, certain employees of the Department of the Interior who shall maintain law and order and protect persons and property within areas of the National Park System. In the performance of such duties, the officers or employees, so designated, may:

"(1) apprehend and make arrests without warrant for any offense against the United States committed in his presence, or for any felony cognizable under the laws of the United States if he has reasonable grounds to believe that the person to be arrested has committed or is committing such felony, provided such arrests occur within the National Park System and the person to be arrested is fleeing therefrom to avoid arrest;

"(2) execute 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 arising out of an offense committed in that system or, where the person subject to the warrant or process is in that system, in connection with any Federal offense; and

"(3) conduct investigations of offenses against the United States committed in that system in the absence of investigation thereof by any other Federal law enforcement agency having investigative jurisdiction over the offense committed or with the concurrence of such other agency.

(c) The Secretary of the Interior is hereby authorized to:

"(1) designate officers and employees of any other Federal agency or law enforcement personnel of any State or political subdivision thereof, when deemed economical and in the public interest, to act as police officers in areas of the National Park System when supplemental law enforcement personnel may be needed, and to exercise the powers and authority provided by paragraphs (1), (2), and (3) of subsection (b) of this section;

"(2) designate, within the National Park System, with any State or political subdivision thereof in the enforcement or supervision of the laws or ordinances of that State or subdivision; and"
'(3) provide limited reimbursement, to a State or its political subdivisions, in accordance with such regulations as he may prescribe, where the State has ceded concurrent legislative jurisdiction over the affected area of the system, in order to accommodate such areas incurred in connection with its activities within that system which were rendered pursuant to paragraph (1) of this subsection.

'(4) the authorities provided by this subsection shall supplement the law enforcement responsibilities of the National Park Service, and shall not authorize the delegation of law enforcement responsibilities of the agency to State and local governments.

'(d)(1) Except as otherwise provided in this subsection, a law enforcement officer of any State or political subdivision thereof designated to act as a special policeman under subsection (c) of this section shall not be deemed a Federal employee and shall not be subject to the provisions of law relating to Federal employee employment, including, but not limited to, those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal benefits.

'(2) For purposes of the tort claim provisions of Title 28, United States Code, a law enforcement officer of any State or political subdivision thereof shall, when acting as a special policeman under subsection (c) of this section, be considered a Federal employee.

'(3) For purposes of subchapter I 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 political subdivision thereof shall, when acting as a special policeman under subsection (c) of this section, 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 of that subchapter shall apply.

'(e) Nothing contained in this Act shall be construed or applied to limit or restrict the investigative jurisdiction of any Federal law enforcement agency other than the National Park Service, and nothing shall be construed or applied to affect any right of a State or a political subdivision thereof to exercise civil and criminal jurisdiction within the National Park System.’.

'§ 11. Section 101(a) of Title I of Public Law 89-063, (80 Stat. 513; 16 U.S.C. 470(a), as amended by adding thereto a new paragraph to read as follows:

'(4) to withhold from disclosure to the public, information relating to the location of sites or objects listed on the National Register whenever he determines that the disclosure of specific information would create a risk of destruction or harm to such sites or objects.

'(8) ‘Sec. 12. (a) Not later than January 1 of each calendar year, the Secretary of the Interior shall transmit to the Committees on Interior and Insular Affairs a detailed program for the development of facilities, structures or buildings for each unit of the national park system consistent with the general management plans required in subsection (b) of this section.

'(b) General management plans for the development of each unit of the national park system, including the areas within the national capital region, shall be prepared by the Director of the National Park Service and transmitted to the Committees on Interior and Insular Affairs.

'Such plans shall include:

(1) the facilities which the Director finds necessary to accommodate the health, safety and recreation needs of the visiting public, including such facilities which may be deemed appropriate to provide in accordance with the provisions of the Act of October 9, 1955 (70 Stat. 989);

(2) the location and estimated cost of all such facilities; and

(3) the projected need for any additional facilities required for such unit.

(c) The Secretary of the Interior shall hereafter transmit to the Committees on Interior and Insular Affairs all proposed awards of concession leases and contracts involving a gross annual business of $100,000 or more, or exceeding five years in duration (including renewals thereof), and all proposed rules and regulations relating thereto, sixty days before such awards are made or such rules and regulations are promulgated. The Act of July 14, 1956 (70 Stat. 543) is hereby repealed.'
current jurisdiction. The Secretary is also directed to negotiate with the affected States in an effort to secure concurrent jurisdiction in other areas, thus moving toward the goal of generally arriving at this form of legislative jurisdiction over all national park lands. Enactment of the bill would also confer specific law enforcement authority on qualified employees as designated by the Secretary so that proper enforcement of applicable laws can be accomplished in the system.

Certain employee needs have also been identified as being worthy of attention. The uniform allowance has been authorized at $125 per year for some time, while uniform costs have risen sharply. There have also been instances identified in which the death of an employee has left dependents in the circumstance of having to vacate government quarters or relocate from a remote area at considerable personal expense. The bill addresses such needs by providing for an increased uniform allowance and allowing limited reimbursement for moving expenses for dependents in some circumstances.

Other administrative needs have also been identified within the scope of national park operations in recent years, and have been addressed by various provisions of H.R. 11887. A clarification of the ability of the Secretary to promulgate boating activities is included, thus ensuring that this expanding use within our national parks can be specifically controlled. The Committee amendment ensures that any exercise of this regulatory authority will not be in derogation of the regulatory powers of the U.S. Coast Guard. The Secretary is given authority to provide necessary meals and lodging for members of the United States Park Police and other employees who are assigned to extended special duty and cannot leave their posts.

These and other administrative adjustments are small matters individually, but they are worthwhile in that they are needed as a part of improving the administration of the National Park System. H.R. 11887 provides a vehicle to consider a number of such changes in a format permitting these amendments to be incorporated into the 1970 statute which consolidates such administrative revisions.

**SECTION-BY-SECTION ANALYSIS**

Section 1 amends Section 3 of the 1970 Act to improve the administration of the National Park System in three respects:

1. A new phrase is included to ensure that the ability of the Secretary to contract for the sale or leasing of resources within park areas is limited to those cases in which such an activity does not jeopardize or unduly interfere with the primary natural or historic resources of the area. This is intended to be cautionary language to assure that all such proposed uses are in keeping with the need to provide full protection for units of the National Park System.

2. The Secretary is specifically authorized to promulgate and enforce regulations concerning boating and related activities on any waters within the system. A proviso is included to make clear that any such regulations would be complementary to the authority of the U.S. Coast Guard to regulate navigable waters and would not lessen this authority in any way. The National Park Service would thus have the specific ability to regulate boating and related uses, but this would be accomplished as a supplement to, and not in conflict with, any Coast Guard regulations and enforcement.

3. The Secretary is authorized to provide meals and lodging for members of the U.S. Park Police and other National Park Service employees who are temporarily serving on extended duty in areas of the system, and to use appropriated funds for this purpose. This will permit meals to be brought to employees who are unable to leave their posts, or temporary lodging to be provided for employees who may be placed on call for an immediate return to duty. This authority would generally be used for employees not on travel status; employees receiving per diem would have the cost of such meals and lodging deducted from their other reimbursement.

Section 2 consists of a series of new sections to be added to the 1970 Act.

Paragraph 1 adds a section as an amendment to the Act of May 26, 1930, which is changed to permit the Secretary to provide appropriate moving expenses to the dependents of a deceased employee to the nearest reasonably available comparable housing in the case of an employee who occupied government housing which needs to be promptly vacated. He may also provide compensation for up to 60 days rental of temporary lodgings while the dependents locate new housing. The Secretary may also pay moving costs to the nearest port of entry in the conterminous 48 States for the dependents of an employee who died while stationed outside those boundaries. Should the family of a deceased employee choose to move to another location entirely, the Secretary would provide reimbursement to cover that portion of the expenses as detailed above.

Paragraph 2 adds a new section 6 which permits the Secretary to relinquish a part of the legislative jurisdiction of the United States over National Park System lands or interests to the appropriate State or comparable entity. The Secretary is to submit any proposed relinquishment to the Interior and Insular Affairs Committees of the Congress, and shall not finalize any relinquishment agreement until 60 calendar days after such transmittal. This review period is to allow the Committees an opportunity to review the negotiated terms of any such proposed agreement. The Committee anticipates that a relinquishment agreement might contain certain reservations by the Secretary, such as a provision that State fishing license requirements would not be imposed on an area previously under the exclusive jurisdiction of the United States, if the Secretary will continue to be responsible for any fisheries management expenses. In this way, although the Secretary is delegated general authority to make such relinquishments, each case should be carefully examined to best provide for the continuing protection and management of these areas by the Secretary. In no case is this limited relinquishment authority to be construed as permission to cede management control of any National Park System area to any other managing agency. The procedure for relinquishment of a part of the legislative jurisdiction over an area by filing with the appropriate official, or as otherwise provided by law, is described.

The Secretary is also directed to diligently pursue appropriate negotiations to eventually achieve the exercise of concurrent jurisdiction generally throughout the National Park System.
Paragraph 3 adds a new Section 7 which permits the uniform allowance for qualifying employees of the National Park Service to be set at up to $400 annually. The Committee anticipates that the $400 yearly allowance would be available for those employees required to wear a dress uniform, and that some lower amount will be set for employees required only to wear a uniform of lesser cost.

Paragraph 4 adds a new Section 8 directing the Secretary to investigate, study, and continuously monitor the welfare of those areas which may qualify for inclusion in the National Park System. Annual transmittals are to be made to the Congress of completed reports on any of these areas which have been studied. The Secretary is to transmit a listing accompanying these reports which is to identify at least twelve areas which may have potential for inclusion in the National Park System. Any threats to the resource values of these areas, or any anticipated cost escalation factors should be considered in making up this listing, which shall generally be listed in descending order of importance or merit. The annual listing may include previously submitted areas which were not then added to the National Park System. The Secretary is also to transmit an annual list of all registered National Natural and Historic Landmarks which exhibit known or anticipated damage or threats to their integrity, along with details as to the nature and severity of such damage or threats. The reports and listings are to be printed as house documents. The Committee expects that enactment of this section will offer the Secretary an expanded opportunity to identify areas containing significant natural, historic, or recreational values and to bring these areas to the attention of the Congress.

Paragraph 5 adds a new Section 9 which by statute re-establishes the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments as the National Park System Advisory Board, to be composed of eleven citizens representing a diversity of backgrounds. Members are to be appointed by the Secretary, who is to take various nominations into consideration, and are to serve for four-year terms, receiving only reimbursement for travel expenses incurred while discharging their duties as members. The board is to advise the Secretary on matters relating to the National Park System and related areas, and on historic sites generally, including both matters submitted to it by the Secretary and other issues as the board sees fit. The board will no longer be required to make recommendations to the Secretary on the use of surplus property for historic monument purposes. The board is expressly authorized to continue until January 1, 1996, and it is to be subject to the provisions of the Federal Advisory Committee Act. This section constitutes an express statutory reauthorization of this board, which has already been continued through the administrative action of the Secretary.

Paragraph 6 adds a new Section 10 which amends the arrest authority relating to the National Park Service. The first subsection repeals previous statutory references to such arrest authority, which occur in several miscellaneous statutes.

The second subsection specifically authorizes the Secretary, in accordance with standards which he may prescribe, to designate various Interior Department employees to maintain law and order and protect persons and property within the National Park System. These employees may, as a part of their duties, carry firearms, make misdemeanor arrests for offenses committed in their presence, and make felony arrests on the basis of probable cause to believe the person to be arrested is committing or has committed a felony. Such arrests may occur within the system, or while the person to be arrested is fleeing from the system to avoid arrest.

The employees so designated may also execute any valid warrant or other process issued pursuant to law arising out of an offense committed in the system, or where the person subject to the warrant or process is in the system, in connection with any Federal offense. Designated employees are also authorized to conduct investigations of Federal offenses committed within the National Park System, in the absence of an investigation being made by any other Federal agency having investigative jurisdiction, or with the concurrence of that agency.

The Committee intends that the clear and specific enforcement authority contained in this subsection, while necessary for the protection of the Federal employees so involved, will be implemented by the Secretary to ensure that law enforcement activities in our National Park System will continue to be viewed as one function of a broad program of visitor and resource protection. Law enforcement duties should be a function of the National Park ranger, along with a diversity of other protection concerns. It is not intended here that law enforcement responsibilities should fall on a small number of individuals as their exclusive duty. In like manner, the carrying of firearms and other defensive equipment should be done with a view toward maintaining the appearance of all designated employees as representatives of a resource and people-serving agency, and not as members of an organization whose only function is law enforcement.

Subsection (c) permits the Secretary to designate employees of other Federal, State or local agencies to act as special policemen in areas of the system when supplemental law enforcement personnel may be needed, when deemed economical, and when the affected agency concurs. Such designated employees may then exercise the powers as described in the preceding subsection. The Secretary may also cooperate within the system with any State or local unit of government in the enforcement of State or local laws and ordinances. In cases where the State has ceded concurrent legislative jurisdiction over an affected area, the Secretary may also provide limited reimbursement, as prescribed by regulations, for expenditures incurred by a State or local agency whose employees have been designated as special policemen. The authorities provided to the Secretary to enter into cooperative agreements as provided in this subsection are to be supplemental to the law enforcement responsibilities of the National Park Service, and are not intended to authorize the delegation of permanent enforcement responsibilities to any State or local agency.

Subsection (d) contains a series of definitions which limit the ways in which a law enforcement officer of a non-Federal agency is to be treated as a Federal employee. Such an officer is not to be subject to the provisions of law relating such items as hours of work, rates of pay, leave, unemployment compensation, and Federal benefits. Such an officer, however, is to be considered a Federal employee for purposes of the tort claims provisions of Federal law. An officer acting as special
policeman in this case shall also be entitled to workman's compensation for injuries sustained while on duty.

A final subsection is intended to clarify that nothing in this legislation is to limit or restrict the investigative jurisdiction of any other federal law enforcement agency, nor to affect the right of any state or local government to exercise civil and criminal jurisdiction within areas of the National Park System.

Paragraph 7 adds a new Section 11 which amends the Historic Preservation Act of 1966 to permit the Secretary to withhold information relating to the location of historic sites or objects listed on the National Register from public disclosure. He may withhold this information only when he determines that disclosure of this specific information would create a risk of destruction or harm to these sites or objects.

Paragraph 8 adds a new Section 12 which requires that, not later than January 15 of each year, the Secretary is to transmit a detailed listing of the plans for development activities within units of the system, and consistent with the general management plans which are also required to be prepared by this section, to the Committees on Interior and Insular Affairs. The detailed list is expected to coincide with the budget requests for development which the agency has requested in the appropriate budget cycle. This listing should permit the Committees to comment more effectively on any such requests when preparing the annual March 15 report to the Budget Committees.

This section requires the ongoing preparation of detailed planning documents as is now being performed throughout the National Park System, and the transmittal of such plans when completed, to the Interior Committees. These plans are to include details of any facilities which the Director of the National Park Service finds necessary for various reasons, including any facilities which he may deem appropriate to provide in accordance with the Concessions Policy Act of 1965. The location and estimated cost of all proposed facilities is to be included, as well as the projected need for any additional facilities which may be required.

Subsection (c) provides that all proposed concession leases and contracts involving a gross annual business of $100,000 or more, or for longer than five years, including renewals, are to be submitted to the Interior Committees for a sixty-day review. The Act of July 14, 1956, which had previously provided for congressional review, is repealed. A similar reporting review period is also made applicable to any proposed rules and regulations relating to such contracts and leases.

**Legislative History**

Certain of the provisions included in H.R. 11887 were discussed during the general oversight hearings of the Subcommittee on National Parks and Recreation which were held near the commencement of both the 93rd and 94th Congresses. The lack of clearly defined, specific law enforcement authority for employees of the National Park Service had been a particular area of concern. H.R. 11887 was introduced as a vehicle to open discussions on a number of these issues.

Hearings were conducted by the Subcommittee on April 8, 1976. The provisions of the bill were discussed in detail at this time with Director Everhardt of the National Park Service, and numerous supporting witnesses from his staff.

Subsequent to the hearings, the Committee received a voluntary report from the General Accounting Office commenting in particular on the uncertain enforcement authority of the National Park Service, and the tenuous position in which this placed many of the agency employees who were performing law enforcement functions. The Committee has noted with interest the case which this report makes for a thorough overhaul of the law enforcement authorities delegated to various Federal land-managing agencies. Several suggestions contained in the report were incorporated into the substitute amendment adopted by the Committee.

Numerous amendments were suggested to the original legislation by the Department of the Interior. Many of these changes were adopted during the Committee deliberations, as well as several adjustments suggested by interested members of the Committee. In particular, the Committee modified the concept of the ceding of legislative jurisdiction by the Secretary as contained in the original legislation to restrict this authority to apply only to a partial cession of jurisdiction. The intent is clear that some form of concurrent jurisdiction is generally to be preferred, including the retention of addition jurisdiction in certain areas where appropriate. While the legislation as reported will not immediately rectify the broad range of legislative jurisdiction now existing, it does offer strong direction to the Secretary to negotiate with the appropriate States as necessary.

H.R. 11887, as reported, is an appropriate amendment of the 1970 Act which it modifies; it represents a further effort by the Congress to assist the Secretary in improving the administration of our National Park System.

**Cost**

H.R. 11887 contains no specific authorizations for appropriations. Operating funds will continue to be controlled by the Committees on Appropriations. Some additional administrative expense may be anticipated from such items as the increase in uniform allowances for employees, and in the limited moving expenses permitted for the dependents of deceased employees. It is anticipated, however, that there may well be savings in operating expenses from other provisions of this measure which will offset any need for additional funding.

**Budget Act Compliance**

No specific additional authorizations are made by H.R. 11887. Any effect on the total operating costs of the agency is negligible.

**Inflationary Impact**

No inflationary impact is anticipated by enactment of H.R. 11887.

**Oversight Statement**

As has been discussed elsewhere in the report, considerable time was spent in both hearings and in follow-up meetings discussing various aspects of National Park Service operations. The bill itself is a collection of various provisions intended to improve the operating ability of the agency. No recommendations specifically relevant to this
legislation were submitted to the Committee pursuant to Rule X, Clause 2(b)(2).

**Committee Amendment**

The Committee adopted a substitute text for H.R. 11887 which contains the same general provisions, but with numerous detail changes as discussed in the section-by-section analysis of this measure.

**Committee Recommendation**

On September 1, 1977, after adopting the substitute text, the Committee on Interior and Insular Affairs, meeting in open session, reported H.R. 11887 by voice vote and recommends that the bill, as amended, be approved.

**Departmental Reports**

The favorable report of the Department of the Interior, dated April 8, 1976, and the supplemental report dated May 3, 1970, are printed in full. Also printed is the communication received from the Comptroller General of the United States, dated July 20, 1976, and the communication received from the Department of Transportation, dated August 12, 1976:

**U.S. Department of the Interior, Office of the Secretary, Washington, D.C., April 8, 1976.**

Hon. James A. Haley,
Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C.

Dear Mr. Chairman: This is in response to the request of your Committee for the views of this Department on H.R. 11887, a bill "To amend the Act approved August 18, 1970, providing for improvement in the administration of the National Park System by the Secretary of the Interior and clarifying authorities applicable to the National Park System, and for other purposes."

We recommend that the bill be enacted, if it is amended as described herein.

The years since the Act of August 25, 1916 (39 Stat. 535), which established the National Park System, have witnessed an increasing national awareness of our heritage which has expanded the needs of the people need for their education and enjoyment. At the same time the System has become more responsive to growing numbers of visitors whose daily environment is completely different from that found in national parks. Authorities and concepts of visitor and resource protection and interpretation valid in 1916 are, in certain cases, not responsive to the needs of today. General new administrative authorities for the System were proposed in the 91st Congress, and enacted as Public Law 91-383. H.R. 11887 amends that Act to provide certain additional authorities.

**I. Boating Regulations**

Section 1 of the bill would clarify the authority of the Secretary of the Interior to regulate boating and other water-related activities for the purpose of preserving and protecting the resources of the National Park System. In effect, Congress would be clarifying its intent to invoke its powers under the Commerce Clause of the Constitution to regulate boating and other activities to assist in the administration of the Park System.

The increasing levels of leisure time and income characteristic of our society, coupled with the greater mobility of recreation equipment and equipment, have resulted in a phenomenal increase in recreational boating and other water-related activities that affect the resources of many areas of the National Park System. Unfortunately arrests and warnings for violations of boating regulations in that System have also increased at a tremendous rate, rising 154 percent for the period 1968 through 1973 to 1,927 incidents in the latter year. Annual visitation to the Park System has increased 43 percent, to 216 million persons, over the same period. This is indicative of the difficulty inherent in protecting water sports enthusiasts and other visitors to that System, and preserving the values upon which inclusion of areas therein is based, in the face of the massive increase in water-related activities.

The Secretary of the Interior is authorized to issue such regulations "... as he may deem necessary or proper for the use and management . . . ." (39 Stat. 535; 16 U.S.C. 3) and the "... protection of, and maintenance of good order in . . . ." the National Park Service areas (475 Stat. 1420; 16 U.S.C. 9a). This regulation of boating and other water-related activity for waters located therein, however, is complicated by the authority residing in the Coast Guard to "... promulgate and enforce regulations for the promotion of safety of life and property on . . . waters subject to the jurisdiction of the United States covering all matters not specifically delegated by law to some other executive department . . . ." (63 Stat. 496; 14 U.S.C. 2). Many waters located within areas of the National Park System are "navigable" and therefore subject to the jurisdiction of the United States and, consequently, the Coast Guard. Enactment of section 1 of the bill would clarify the authority of the Secretary of the Interior to regulate recreational, commercial and other uses of and activities relating to all waters of the National Park System. Such regulations would be promulgated for the purposes of improving administration, providing for the public safety, use and enjoyment and protecting the natural, wildlife, cultural and historical resources. We would, therefore, exercise authority concurrent with the Coast Guard in many instances, but could provide for more restrictive regulation consistent with these enumerated purposes when necessary.

We would, however, suggest the following clarifying amendment to this part of section 1 to clearly indicate that the authority contained in this subsection does not diminish the Coast Guard's authority under existing law to regulate boat design and safety.

Delete all of section 1 from page 1, line 7 through page 2, line 2, and insert in lieu thereof the following: "(h) promulgate and enforce regulations concerning boating operations and other activities on or relating to waters located within areas of the National Park System, including waters subject to the jurisdiction of the United States: Provided, No authority contained in this subsection shall be construed as diminishing the authority of the United States Coast Guard under existing law to promulgate and enforce regulations pertaining to boat design and safety;
Section 1 of the bill would also authorize the Secretary of the Interior to provide meals and lodging, financed with funds appropriated for the expenses of the Department of the Interior, for employees of the National Park Service, serving on extended special duty in areas of the National Park System. The need for this authority arises from the fact that such personnel particularly the United States Park Police, are occasionally required to work long and unusual hours during demonstrations, ceremonies, and other events. Often they cannot know in advance that such duty will be necessary and, when it does arise, conditions frequently do not allow them to be relieved long enough to have sufficient time to return to their homes for adequate rest or to purchase meals at places of public accommodation. Enactment of this authority would be consistent with procedures associated with most of the country's large police forces faced with overseeing prolonged events.

We would suggest the following amendment to clarify the bill to make it clear that there is a time limit involved in the use of the term “extended special duty”. In instances where there is special duty which is more than just temporary, the per diem and subsistence payment provisions of existing authority would apply. Accordingly, on page 2, line 6, insert “temporarily” between “serving” and “on”.

III. MOVING EXPENSES FOR DEPENDENTS

Section 2 of the bill would expand the existing authority regarding payment of travel expenses for employees, as contained in section 11 of the Act of May 26, 1930. The expanded authority would authorize payment to dependents of travel expenses to permanent homes in cases in which the employee's service is terminated by death while he is assigned government housing in an isolated area, and such housing thereafter must be promptly vacated.

National Park Service personnel are frequently required to relocate for varying lengths of time to isolated areas where residence in assigned government housing is necessary. Upon the death of an employee, quarters must often be vacated immediately, thus working an extreme hardship on his family. The necessity for moving comes at a time when the family is under a severe financial and emotional strain; normal earnings have been terminated and processing of survivor benefits applications frequently requires an extended period of time. Payment of dependent's travel expenses in such situations is a reasonable and appropriate extension of the travel benefits currently provided in section 11, and is consistent with travel benefits applicable to field employees of the Department of State.

We recommend, however, that this provision not be limited to Government quarters in “isolated areas”. The need for this benefit is just as great for dependents located in metropolitan areas who must promptly vacate their quarters and move to a permanent home. We recommend that on page 2, lines 22 and 23, “in isolated areas” be deleted.

The bill gives the Secretary the authority to prescribe by regulation the conditions under which the relocation expenses will be paid. We anticipate that such regulations would consider such factors as the location of the true home of the dependents in relation to the location of employment, the expense of the relocation, and other pertinent factors.

IV. LEGISLATIVE JURISDICTION

Sections 2 of the bill would also authorize the Secretary of the Interior to retrocede to a State, or to a Commonwealth, Territory, or possession of the United States, all or part of the legislative jurisdiction exercised by the United States over National Park System lands or interests therein in that State, Commonwealth, Territory, or possession.

The Federal Government exercises several types of legislative jurisdiction, which is the authority to administer governmental powers, over lands comprising the National Park System. Most units of that System are administered pursuant to proprietorial jurisdiction, the United States having acquired some right or title to, but no measure of States' authority over, the lands. However, a number of units are administered under exclusive jurisdiction (States having granted the United States the right to exercise alone certain of their authorities over the lands) or concurrent jurisdiction (States having reserved to themselves the rights to exercise jointly the powers granted to the Federal Government).

The Public Land Law Review Commission, in its report to the President and the Congress entitled “One Third of the Nation's Land” (1970), stated: “In many cases the Federal Government needs to have something more than a proprietorial jurisdiction over its properties. Generally, these are areas which because of their immense size, large populations, remote locations, or peculiar use requirements, are beyond the capabilities of State and local governments to service. The seasonal demands of policing and servicing national park lands are one example.”

On the other hand administration of units of the National Park System pursuant to exclusive Federal legislative jurisdiction can deny to the National Park Service and its employees important rights and privileges otherwise extending to those lands on the part of the States, and their political subdivisions, in which they are located.

For example, in those areas States have no obligation to provide normal governmental services, such as disposal of sewage, removal of trash and garbage, and fire protection, and residents thereof have no claim to participation in State elections, education in free State public school systems, and the like. Furthermore, although State law existing at the time exclusive jurisdiction is ceded remains applicable to such areas, State authority to enforce that law ceases and subsequent amendments to it do not apply. Thus, that law tends to become obsolete during the period of Federal exercise of exclusive jurisdiction.

Where units of the National Park System are administered by the United States pursuant to concurrent legislative jurisdiction these problems do not arise inasmuch as legislative jurisdiction over those lands is exercised jointly by the States and the Federal Government. Thus, State law and administrative procedures, as well as Federal law appertaining to areas under the legislative jurisdiction of the United States, both apply.
In addition, some units of the National Park System, now administered by the Federal Government pursuant to exclusive or concurrent legislative jurisdiction, would most appropriately be administered under proprietary Federal legislative jurisdiction. Such action would not hinder fulfillment of the purposes for which those areas were established. Federal areas of proprietary jurisdiction enjoy Constitutional immunity from interference in the performance of Federal functions, and Federal laws and regulations relating to the National Park System apply regardless of the degree of legislative jurisdiction exercised over units thereof by the Federal Government.

It is clear, therefore, that retrocession to the States of Federal legislative jurisdiction relative to some areas of the National Park System would be beneficial. Because there is no general statute authorizing such retrocession, a special Act of Congress is required in each case, together with appropriate State action. Both the Inter-Departmental Committee for the Study of Jurisdiction Over Federal Areas Within the States and the Public Land Law Review Commission in 1956 and 1970, respectively, recommended authorizing Federal agencies to retrocede jurisdiction to the States.

Enactment of a general retrocession authority relating to the National Park System, as embodied in section 2, would eliminate the necessity for special congressional action in each instance of retrocession. It is similar to the general retrocession authority obtained by the Department of Defense in 1970 (84 Stat. 1226; 10 U.S.C. 2683).

V. INCREASED UNIFORM ALLOWANCE

Section 2 of the bill would also amend subsection 5901(a) of title 5, United States Code, to increase the maximum allotment that may be annually appropriated for uniforms for National Park Service employees from $75 to $300 per employee. Costs associated with uniforms have been increasing substantially. In a recent analysis the National Park Service found the cost of a National Park Service male employee's dress uniform to be in excess of $500. The existing $125 limitation was established in 1967.

However, we have determined that the Civil Service Commission has conducted a government wide study of uniform allowances. The study has been completed, and we understand that the Commission will soon propose legislation which will revise all agencies' uniform allowances to correspond to the cost of the uniforms. Pending resolution soon of this government wide effort, we recommend that consideration of this subsection of the bill be deferred.

VI. CONTINUATION OF ADVISORY BOARD

Section 2 of the bill would also provide for the legislative reestablishment of the Advisory Board on National Parks, Historic Sites, Buildings and Monuments and for the continuation of that Advisory Board until January 1, 1990. Pursuant to section 14(a)(2) of the Federal Advisory Committee Act advisory committees terminate within two years of establishment unless renewed by appropriate action, where administratively established, or unless their duration is otherwise provided for by law, where established by Act of Congress.

The Office of Management and Budget, which under the Federal Advisory Committee Act is responsible for overseeing Federal Advisory Committees, has suggested the following amendment to this subsection in order to maintain consistency under that Act.

Page 4, line 3: delete line 3 in its entirety and insert the following: "Board shall continue to exist until January 1, 1990, as long as the Secretary of the Interior biannually determines, as a matter of formal record after consultation with the Director of the Management and Budget with timely notice in the Federal Register, the continued existence of the Board to be in the public interest, in connection with the performance of duties imposed on the Secretary by law. The Advisory Board shall in all other aspects be subject to the provisions of the Federal Advisory Committee Act."

We would also suggest that another amendment be made to the part of Section 2 dealing with the Advisory Board. Subsection 203(k) (3) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484), authorizes conveyance of surplus real and related personal property to States for historic monument purposes without cost. The Secretary of the Interior must determine that the property is suitable and desirable for such use, but his determination must be in conformity with the recommendation of the Advisory Board. The necessity for special congressional action in each instance of Federal property for use as a historic monument in the National Register of Historic Places, maintained by the National Park Service, historically significant Federal properties are nominated to the Register by professional historians and the nominations are reviewed in accordance with criteria approved by the Secretary. There is no need for the duplication involved in a separate review by the Advisory Board, and transfers of surplus property need not be subject to this additional unnecessary step in the transfer process. Ten such properties were conveyed in 1975, and we expect approximately 30 to be conveyed in 1976. Accordingly, we suggest that line 13 of page 4 be amended to read as follows: "archeologic sites, buildings, and properties, but it shall not be required to recommend as to the suitability or desirability of surplus real and related personal property for use as a historic monument."

VII. LAW ENFORCEMENT

Section 2 of the bill would also clarify the authority of the National Park Service personnel with respect to administration of the National Park System to bear firearms, enforce all Federal laws, execute process, investigate offenses and cooperate with other law enforcement agencies. In recent years, visitations to National Park areas has increased rapidly and with it, a similar increase in felonies and misdemeanors has occurred. Effective law enforcement in the Park System has been severely hampered by the remoteness of many areas, coupled with the need for clarification of law enforcement authorities of National Park Service personnel. The isolation of those areas from conventional Federal, State, and local law enforcement agencies has made law enforcement dependent primarily on employees of the National Park Service.

The enactment of this section would replace the existing National Park Service law enforcement authorities, presently scattered
Throughout Title 16 of the United States Code, with a single clear mandate authorizing designated employees performing law enforcement functions within the National Park System to bear firearms; enforce all Federal laws including serious criminal violations as well as misdemeanors applying specifically to parks; execute process; and investigate offenses.

The authority to enforce all Federal laws would under appropriate circumstances, include authority to enforce the laws of States in areas of the National Park System. This authority would be limited to activities restricted to the National Park System, include authority to enforce the laws of States in areas of Federal law, including serious criminal violations as well as misdemeanors applying specifically to parks; execute process; and investigate offenses.

The Park Police are authorized to arrest for Federal offenses committed in the National Park System, whose law enforcement mission has been defined by the Act of March 27, 1948, as amended (62 Stat. 81). Presently the Park Police are authorized to arrest for Federal offenses committed in the District of Columbia and on Federal reservations in its metropolitan area. This special authority of the Park Police is adequate for them to perform their responsibilities, and we do not believe there is a need to alter that authority in this bill.

Section 2 of H.R. 11887 is designed to eliminate possible uncertainties relating to law enforcement activities in the National Park System. It would be consistent with the authority exercised by other Federal personnel having law enforcement responsibilities, such as agents of the Federal Bureau of Investigation and United States Marshals, and specifically would not restrict their investigatory jurisdictions. This authority would be limited to activities related to the protection and administration of units of the National Park System.

We would suggest that the law enforcement part of section 2 of H.R. 11887 be amended as follows to better accomplish the law enforcement objectives of the National Park System:

1. This Department believes that the following amendment should be made to the law enforcement section to provide a means of public involvement in a regulation making process, the purpose of which will be to establish the standards of training, etc. required by the Secretary. Delete all from page 5, line 8 through page 5, line 13, and insert in lieu thereof the following:

"(b) In addition to any other authority conferred by law, the Secretary of the Interior is authorized to designate, pursuant to standards prescribed in regulation by the Secretary, certain officers or employees of the Department of the Interior who shall maintain law and order and protect persons and property within areas of the National Park System. In the performance of such duties, the officers or employees so designated, may:

(1) Enforce all Federal laws including serious criminal violations as well as misdemeanors applying specifically to parks; execute process; and investigate offenses.

(2) We would suggest that the following clarifying amendment be made to the subsection concerning "special policemen." On page 6, line 18, insert between "enforcement" and "any" the following: "when supervision by competent personnel may be needed."

(3) We suggest the addition of a new subsection to the law enforcement part of section 2 which would specify that "special policemen" designated from among State and local law enforcement personnel not be deemed to be Federal employees, and to specify the respective liabilities of the Federal and State governments during the dual assignment periods which the bill would authorize.

Accordingly, we recommend that the following section be added starting on page 7, line 11:

"(d) (1) Except as otherwise provided in this subsection, a law enforcement officer of any State or political subdivision thereof designated to act as a special policeman under subsection (a) of this section shall not be deemed a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including, but not limited to, those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal benefits.

(2) For purposes of the tort claim provisions of Title 28, a law enforcement officer of any State or political subdivision thereof shall, when acting as a special policeman under subsection (a) of this section, be considered a Federal employee.

(3) For purposes of subchapter I of chapter 81 of Title 5, relating to compensation to Federal employees for work injuries, a law enforcement officer of any State or political subdivision thereof shall, when acting as a special policeman under subsection (a) of this section, 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 of that subchapter shall apply.

(4) We would suggest the following minor technical amendment be made on page 6, line 21 of the bill: delete the first "with" and insert "within in lieu thereof.

It is estimated that increased annual National Park Service costs associated with enactment of the bill will total $850,000 as follows: $10,000 for provision of meals and lodging, $480,000 added to total uniform allowance disbursements, and $40,000 added to traveling expenses. However, we recommend consideration of the uniform allowance be deferred.

We believe that the enactment of this bill in the form recommended herein will represent a meaningful step in updating the management and administrative authorities applicable to the National Park System. The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

JOHN KYL
Assistant Secretary of the Interior.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,

Hon. James A. Haley,
Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C.

Dear Mr. Chairman: This supplements our April 8, 1976 report on H.R. 11887, a bill "To amend the Act approved August 18, 1970,
providing for improvement in the administration of the National Park System by the Secretary of the Interior and clarifying authori-
ties applicable to the National Park System, and for other purposes.”
In our April 8, 1976 report, we suggested an amendment to the
bill which provides for the payment of moving expenses for depend­
ents of deceased Park Service personnel. In paragraph 1 on page 4
of the report, we recommended the bill be amended so that this provi­
sion would not be limited to dependents living in Government housing
quarters in “isolated areas,” and should provide moving expenses for
dependents of deceased employees located in metropolitan areas.
This amendment and the statements made in this paragraph are
inconsistent with the language of the next paragraph on page 4, and
do not accurately reflect the position of this Department on this por­
tion of the bill. We do not believe that moving expenses should be
paid to the dependents of deceased employees unless the employee lives
in Government housing which is located in an “isolated area.” H.R.
11887 would give the Secretary the authority to prescribe by regula­
tion the conditions under which such relocation expenses will be paid.
As stated in our report and as discussed by Director Everhardt in his
testimony, we anticipate that such conditions will be limited. The
regulations prescribed by the Secretary would delineate the specific
parks where the allowance would apply and would consider such
factors as the location of the true home of the dependents in relation
to the location of employment, the expenses of the relocation and other
pertinent factors.
The Office of Management and Budget has advised that there is no
objection to the presentation of this revised report from the standpoint
of the Administration’s program.

Sincerely yours,

John Kyl,
Assistant Secretary of the Interior.

COMPTROLLER GENERAL OF THE UNITED STATES,

B-148736.
B-171019.
Honorable James A. Haley,
Chairman, Committee on Interior and Insular Affairs,
House of Representatives.

Dear Mr. Chairman: Our Office is presently conducting a com­
prehensive review of the seriousness and extent of criminal activity
occurring on visitor-oriented Federal lands. One aspect of the review
involves the degree of effectiveness of law enforcement and visitor
protection operations on lands administered by the National Park
Service, U.S. Fish and Wildlife Service, Bureau of Land Manage­
ment, U.S. Forest Service, Corps of Engineers and the Tennessee
Valley Authority. In connection with this aspect, we have examined
the law enforcement statutes applicable to the named agencies and
bureaus and are currently reviewing the law enforcement efforts of
the various administering agencies.

In addition to indicating that criminal activity has been increasing
on visitor-oriented Federal lands during the past several years, our
preliminary work disclosed that the law enforcement authority of the
several agencies responsible for administering Federal land differs
widely. Consequently, law enforcement operations on Federal lands
experiencing substantially the same degree and types of criminal
activity differ markedly from agency to agency and, in the case of
the Interior Department, from Bureau to Bureau. Moreover, under
present law, as shown in the enclosed comparative statement, the
available tools of law enforcement are not only different depending
on the agency or bureau concerned, they are limited in scope because
the authorizing language of statutes applicable to these agencies,
unlike the enforcement statutes governing the Federal Bureau of Inves­
U.S. Marshals Service, 18 U.S.C. § 3053, neither expressly permit the
 carriage of weapons nor authorize the making of arrests for all crimes
cognizable under the laws of the United States.

We believe providing effective law enforcement services on visitor­
oriented Federal lands depends, in large measure, on the scope of the
administering agency’s statutory enforcement authority and upon the
existence of a law enforcement program. For this reason, when our
review is completed, we expect that we will have a sufficient basis on
which to formulate comprehensive recommendations concerning,
among other matters, the authority and responsibility for conducting
law enforcement and visitor protection operations on Federal lands.
These recommendations will be included in a Report to the Congress,
that we expect to be issued by March 1977.

During the course of our review, however, bills pertinent to the
enforcement authority of the National Park Service (H.R. 11887, S.
1, H.R. 12504), the Fish and Wildlife Service (H.R. 5523, S. 1, H.R.
12504), the Bureau of Land Management (H.R. 13777, S. 507, S. 1,
H.R. 12504), and the Corps of Engineers (H.R. 9488, H.R. 9964),
were introduced and now occupy varying positions on the House and
Senate calendars.

As the enclosed Comparative Statement shows, each bill applies to
a particular agency or bureau and each advocates a different approach
to law enforcement on Federal lands. Although our review is not at
the stage where we can furnish specific and comprehensive alternatives
to the existing and proposed enforcement statutes, we are advising
the committees having jurisdiction over pending legislative proposals
of our review and of our comments on the pending bills.

Two of the bills, H.R. 11887 and H.R. 13777, were referred to the
Committee on Interior and Insular Affairs and deal with the conduct
of law enforcement and visitor protection operations on lands adminis­
tered by the National Park Service and the Bureau of Land
Management.

H.R. 11887, 94th Cong., 2d Sess. (1976), would, if enacted, author­
ize National Park Service law enforcement personnel to carry fire­
arms and make arrests for all crimes cognizable under the laws of
the United States. This would constitute a significant expansion of NPS’
11887 does not, however, address the situation where, in the absence of
State or local police, immediate, effective law enforcement measures are necessary to combat serious criminal activity that does not constitute a Federal offense.

When the Federal criminal code has not defined a specific offense, the Assimilative Crimes Act, 18 U.S.C. § 13, adopts for certain Federal lands, as Federal law, the penal code of the State where such land is situated. United States v. Press Publishing Co., 219 U.S. 1 (1911); United States v. Prejean, 494 F. 2d 495 (5th Cir. 1974). Although most Federal criminal laws in the resource protection area apply to all Federal land without regard to the jurisdictional status in which the land is held, the Assimilative Crimes Act and the other laws of the United States that criminalize misconduct against the persons or property of visitors are ordinarily applicable only to Federal lands held in a concurrent or exclusive jurisdictional status. Generally, these laws do not apply to Federal lands held in a proprietary interest status. See e.g., 18 U.S.C. §§ 7, 13, 1111-1113, 2031, 2032, 2111 (1970).

On proprietorial lands, misconduct constituting a crime depends upon the availability of State and local enforcement personnel. The matter of expanding the Bureau of Land Management's (BLM) enforcement authority is addressed in H.R. 13777, 94th Cong., 2d Sess. (1976), reported from the Committee on Interior and Insular Affairs on May 15, 1976.

Under certain circumstances, H.R. 13777 would authorize the Secretary of the Interior to designate “Federal personnel” to enforce Federal laws and regulations relating to the public lands and resources. To enforce such laws and regulations, section 302(c)(1) of the bill would authorize Federal misdemeanor and felony arrests, notwithstanding that section 302(c)(1) apparently would require the Secretary to annually negotiate and offer a “reasonable” law enforcement contract to State and local enforcement officials. During the tenure of such a contract, section 302(c)(2) inferentially precludes BLM officials from engaging in law enforcement activities.

If State or local enforcement officials either lack authority to contract or decline to accept the Secretary's offer of a “reasonable” law enforcement contract, sections 302(c)(1) and (2) of the bill authorize the Secretary to designate “Federal personnel” to enforce Federal laws or regulations relating to the “public lands” or “resources.” It is not clear, however, whether these provisions would authorize warrantless arrests in the case of misconduct made criminal by the Assimilative Crimes Act, 18 U.S.C. § 13, or other Federal criminal statutes having general applicability at all Federal enclaves within the special maritime or territorial jurisdiction of the United States where such laws otherwise have no special reference to “public lands” and “resources.” See S. Rep. No. 94–583, 94th Cong., 1st Sess. 57–60 (1975). See United States v. Watson, — U.S. —, 46 L. Ed. 2d 598, 604–605, 96 S.Ct. 1976 (1976) (discussing statutory warrantless arrest powers); Alexander v. United States, 390 F. 2d 101 (5th Cir. 1968) (police powers not vested by statutory obliqueness); United States v. Diamond, 471 F. 2d 771 (9th Cir. 1973) (power to search and arrest limited by statute). H.R. 13777, like H.R. 11887, does not specifically authorize BLM law enforcement officials to make arrests for violations of a State's criminal code nor does it offer Federal immunities for BLM officials who attempt to make such arrests.

State and local police to enforce Federal laws and regulations on Bureau administered lands regardless of the jurisdictional status in which such lands are held. See H.R. Rep. No. 94–1163, 94th Cong., 2d Sess. 14–15 (1976). Aside from the fact that H.R. 13777 contains no specific language giving the Department managerial control over State and local enforcement operations on Bureau lands, we note too that section 302(c)(1) apparently would require the Secretary to annually negotiate and offer a “reasonable” law enforcement contract to State and local enforcement officials. During the tenure of such a contract, section 302(c)(2) inferentially precludes BLM officials from engaging in law enforcement activities.

We hope the foregoing observations and the enclosed Comparative Statement will prove useful to your committee.

Sincerely yours,

Elmer B. Staats,
Comptroller General of the United States.

Enclosure.

Office of the Secretary of Transportation,

Mr. James A. Haley,
Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C.

Dear Mr. Chairman: The Department of Transportation would like to take the opportunity to make known its views concerning H.R.

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[Signature]

Comptroller General of the United States.
for improvement in the administration of the National Park System by the Secretary of the Interior and clarifying authorities applicable to the National Park System, and for other purposes."

Section 1 of the bill would authorize the Secretary of the Interior to promulgate and enforce regulations concerning boating and other activities relating to waters located within areas of the National Park System, including waters subject to the jurisdiction of the United States.

Currently navigational rules of the road are applied by statute to the navigable waters of the United States, including those waters within the National Park System which are navigable waters of the United States. Additionally, the vessel inspection laws of the United States apply to commercial vessels operating on those navigable waters. The Federal Boat Safety Act of 1971 (P.L. 92-75) (FBSA), with minor exceptions, applies to recreational boats used on waters subject to the jurisdiction of the United States, which would include all waters within the National Park System. In addition, sections 5 through 11 and subsections 12(a) and 12(b) of that Act, relating to boat safety standards and prohibited acts, apply to boats moving or intended to be moved in interstate commerce.

The Department of Transportation strongly objects to section 1 of the bill. As that section is currently drafted, it would authorize the Secretary of the Interior to promulgate and enforce boating regulations which relate to construction, performance, and equipment standards. The FBDSA gave responsibility for the promulgation and enforcement of those regulations to the Secretary of the department in which the Coast Guard is operating. One reason for the enactment of the FBDSA was to provide a coordinated national boat safety program (S. Rep. 92-248). The FBDSA requires public participation in the regulatory process by input through the Boating Safety Advisory Council. If the Secretary of the Interior is also authorized to promulgate boating safety regulations of a type authorized by the FBDSA, and make them applicable to areas already covered by the FBDSA, the legislative intent of that Act will be circumvented. There would exist the possibility of the promulgation of divergent standards and regulations applicable to the boating public.

We are aware that the Department of the Interior has recommended to the House Interior Committee language to amend section 1 in order to provide that no authority contained in that section shall be construed as diminishing the authority of the Coast Guard under existing law to promulgate and enforce regulations pertaining to boat design and safety. In our view, however, that language is not sufficient to protect the boating public from the possibility of divergent conflicting regulations on waters within the National Park System. It merely adds another regulatory body with authority over the same subject matter.

This Department has no objection to the Secretary of the Interior promulgating regulations relating to operational matters on waters within areas of the National Park System. Although the Secretary of the Interior now has broad authority to promulgate regulations relating to the operations or use of boats in the National Parks under title 16, United States Code, if it is necessary to clarify that authority, then we recommend that the bill make clear that the Secretary of the Department in which the Coast Guard is operating must concur in the issuance of safety regulations and standards of the type covered by sections 5-11 of the FBSA or any regulation requiring numbering, as covered by sections 17-21 of that Act. In addition this concurrence should be required for regulations concerning the Rules for the Prevention of Collision appropriate for the area or with the vessel inspection laws appropriate to the type of vessel.

These minimum restrictions are necessary in order to prevent confusion from arising on waters subject to the jurisdiction of the United States. For example, in the situation where a river runs through a national park, it is inconsistent to subject vessels and their occupants, whether recreational or commercial, to one set of regulations on one side of the national park boundary, then to subject them to two sets of possibly conflicting or divergent regulations as they cross that boundary into a national park area, and then to subject them to the original regulations as they leave the park area. Likewise, with respect to waters wholly enclosed within a national park, American boaters should not be subject to conflicting or divergent regulations with regard to the matters discussed above. This is particularly true in light of the increasing mobility of the boating public.

We are confident that the Department of the Interior will continue their past practice of consulting with the Coast Guard prior to the issuance of any regulations relating to boating operations. This will ensure that all boating regulations on waters subject to the jurisdiction of the United States are as uniform in format and content as possible, bearing in mind that, in numbers of people affected, it is the recreational boater, not industry or the professional mariner who must comply with the regulations.

To accomplish the above purposes, it is recommended that the new subsection 3(h) of the Act of August 18, 1970, as proposed in H.R. 11887 be amended to read:

"(h) promulgate and enforce regulations concerning boating operations and other activities on or relating to waters located within areas of the National Park System, including waters subject to the jurisdiction of the United States: Provided, that any regulations concerning (1) boat design, safety, and numbering, (2) vessel documentation and inspection, and (3) Rules for the Prevention of Collisions, shall be promulgated under this subsection only with the concurrence of the Secretary of the department in which the Coast Guard is operating."

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this report for the consideration of the Committee.

Sincerely,

DONALD T. BLISS,
Acting General Counsel.

Changes in Existing Law

In compliance with clause 3 of Rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted in enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):
ACT OF AUGUST 18, 1970 (84 STAT. 825; 16 U.S.C. 1a-1)

SEC. 3. In order to facilitate the administration of the national park system, the Secretary of the Interior is authorized, under such terms and conditions as he may deem advisable, to carry out the following activities:

(a) provide transportation of employees located at isolated areas of the national park system and to members of their families, where (1) such areas are not adequately served by commercial transportation, and (2) such transportation is incidental to official transportation services;

(b) provide recreation facilities, equipment, and services for use by employees and their families located at isolated areas of the national park system;

(c) appoint and establish such advisory committees in regard to the functions of the National Park Service as he may deem advisable, members of which shall receive no compensation for their services as such but who shall be allowed necessary travel expenses as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 5703);

(d) purchase field and special purpose equipment required by employees for the performance of assigned functions which shall be regarded and listed as park equipment;

(e) enter into contracts which provide for the sale or lease to persons, States, or their political subdivisions, of services, resources, or water available within an area of the national park system as long as such activity does not jeopardize or unduly interfere with the primary natural or historic resource of the area involved, if such person State, or its political subdivision—

(1) provides public accommodations or services within the immediate vicinity of an area of the national park system to persons visiting the area; and

(2) has demonstrated to the Secretary that there are no reasonable alternatives by which to acquire or perform the necessary services, resources, or water;

(f) acquire, and have installed, air-conditioning units for any Government-owned passenger motor vehicles used by the National Park Service, where assigned duties necessitate long periods in automobiles or in regions of the United States where high temperatures and humidity are common and prolonged;

(g) sell at fair market value without regard to the requirements of the Federal Property and Administrative Services Act of 1949, as amended, products and services produced in the conduct of living exhibits and interpretive demonstrations in areas of the national park system, to enter into contracts including cooperative arrangements with respect to such living exhibits and interpretive demonstrations and park programs, and to credit the proceeds therefrom to the appropriation bearing the cost of such exhibits and demonstrations;

(h) promulgate and enforce regulations concerning boating and other activities on or relating to waters located within areas

of the National Park System, including waters subject to the jurisdiction of the United States; Provided, That any regulations adopted pursuant to this subsection shall be complementary to, and not in derogation of, the authority of the United States Coast Guard to regulate the use of waters subject to the jurisdiction of the United States;

(i) provide meals and lodging, as the Secretary deems appropriate, for members of the United States Park Police and other employees of the National Park Service, as he may designate, serving temporarily on extended special duty in areas of the National Park System, and for this purpose he is authorized to use funds appropriated for the expenses of the Department of the Interior.

SEC. 5. Section 11 of the Act of May 26, 1930 (46 Stat. 383; 16 U.S.C. 11), is amended to read as follows:

SEC. 11. In the administration of the National Park System, the Secretary of the Interior is authorized, under regulations prescribed by him, to pay (a) the traveling expenses of employees including the costs of packing, crating, and transporting (including draying) their personal property, upon permanent change of station of such employees and (b) the travelling expenses as aforesaid of dependents of deceased employees to the nearest housing reasonably available and of a standard not less than that which is vacated, and to include compensation for not to exceed 60 days rental cost thereof, in any case of an employee who occupied Government housing and the death of such employee requires that housing to be promptly vacated, and to the nearest port of entry in the conterminous forty-eight States in the case of an employee whose last permanent station was outside the conterminous forty-eight States.

SEC. 6. Notwithstanding any other provision of law, the Secretary of the Interior may relinquish to a State, or to a Commonwealth, territory, or possession of the United States, part of the legislative jurisdiction of the United States over National Park System lands or interests therein in that State, Commonwealth, territory, or possession:

Provided, That prior to consummating any such relinquishment, the Secretary shall submit the proposed agreement to the Committees on Interior and Insular Affairs of the United States Congress, and shall not finalize such agreement until sixty calendar days after such submission shall have elapsed. Relinquishment of legislative jurisdiction under this section may be accomplished (1) by filing with the Governor (or if none exists, with the chief executive officer) of the State, Commonwealth, territory, or possession concerned a notice of relinquishment to take effect upon acceptance thereof, or (2) by the laws of the State, Commonwealth, territory, or possession otherwise provide. The Secretary shall diligently pursue the consummation of arrangements with each State, Commonwealth, territory, or possession within which a unit of the National Park System is located to the end that insofar as practicable the United States shall exercise concurrent legislative jurisdiction within units of the National Park System.

SEC. 7. Notwithstanding subsection 5001(a) of Title 5, United States Code (80 Stat. 508), as amended, the uniform allowance for
uniformed employees of the National Park Service may be up to $100 annually.

Sec. 8. The Secretary of the Interior is directed to investigate, study, and continually monitor the welfare of areas whose resources exhibit qualities of national significance and which may have potential for inclusion in the National Park System. At the beginning of each fiscal year, the Secretary shall transmit to the Speaker of the House of Representatives and to the President of the Senate, comprehensive reports on each of those areas upon which studies have been completed. On the same date, and accompanying such reports, the Secretary shall transmit a listing, in generally descending order of importance or merit, of not less than twelve such areas which appear to be of national significance and which may have potential for inclusion in the National Park System. Threats to resource values, and cost escalation factors shall be considered in listing the order of importance or merit. Such listing may be comprised of any areas here-tofore submitted under terms of this section, and which at the time of listing are not included in the National Park System. The Secretary is also directed to transmit annually to the Secretary of the Interior at the beginning of each fiscal year, a complete and current list of all areas included on the Registry of Natural Landmarks and those areas of national significance listed on the National Register of Historic Places, which areas exhibit known or anticipated damage or threats to the integrity of their resources, along with notations as to the nature and severity of such damage or threats. Each report and annual listing shall be printed as a House document.

Sec. 9. Section 3 of the Act of August 21, 1935 (49 Stat. 606, 607; 16 U.S.C. 461, 463), is amended to read as follows:

"Sec. 3. (a) A general advisory board to be known as the National Park System Advisory Board is hereby established to be composed of not to exceed fifteen persons, citizens of the United States, to include but not limited to representatives of the fields of history, archaeology, architecture and natural science, who shall be appointed by the Secretary of the Interior for terms not to exceed four years. The members of such board shall serve without compensation, and shall have no authority to act as a board, but may be paid expenses incidental to travel when engaged in discharging their duties as members. It shall be the duty of such board to advise the Secretary on matters relating to the National Park System, to other related areas, and to the administration of this Act, including but not limited to matters submitted to it for consideration by the Secretary but shall not be required to recommend as to the suitability or desirability of surplus real and related personal property for use as an historic monument.

(b) The National Park System Advisory Board shall continue to exist until January 1, 1990. In all other respects, it shall be subject to the provisions of the Federal Advisory Committee Act."

Sec. 10. (a) The arrest authority relating to the National Park Service is hereby amended in the following respects:

(1) Section 3 of the Act of March 3, 1897 (29 Stat. 621; 16 U.S.C. 415), as supplemented, relating to certain arrest authority relative to national military parks, is hereby repealed.

(2) The first paragraph of that portion designated "GENERAL EXPENSES—FOREST SERVICE of the Act of March 3, 1905 (33 Stat. 872; 16 U.S.C. 10, 559), as amended, relating in part to arrest authority relative to laws and regulations applicable to forest reserves and national parks, is amended by deleting the words "and national park service", "and national parks", and "or national parks".

(3) Section 2 of the Act of March 9, 1913 (47 Stat. 1420; 16 U.S.C. 10a), as amended, relating to certain arrest authority for certain employees of the National Park Service, is hereby repealed.

(4) The second paragraph of section 6 of the Act of October 8, 1913 (78 Stat. 1041; 16 U.S.C. 630n-5), as amended, relating to certain arrest authority relative to the Lake Mead National Recreation Area, is hereby repealed.

(b) In addition to any other authority conferred by law, the Secretary of the Interior is authorized to designate, pursuant to standards prescribed in regulations by the Secretary, certain officers or employees of the Department of the Interior who shall maintain law and order and protect persons and property within areas of the National Park System. In the performance of such duties, the officers or employees, so designated, may:

(1) carry firearms and make arrests without warrant for any offense against the United States committed in his presence, or for any felony cognizable under the laws of the United States if he has reasonable grounds to believe that the person to be arrested has committed or is committing such felony, provided such arrests occur within that system or the person to be arrested is fleeing therefrom to avoid arrest;

(2) execute 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 arising out of any offense committed in that system or, where the person subject to the warrant or process is in that system, in connection with any Federal offense; and

(3) conduct investigations of offenses against the United States committed in that system in the absence of investigation thereof by any other Federal law enforcement agency having investigative jurisdiction over the offense committed or with the concurrence of such other agency.

(c) The Secretary of the Interior is hereby authorized to:

(1) designate officers and employees of any other Federal agency or law enforcement personnel of any State or political subdivision thereof, when deemed economical and in the public interest and with the concurrence of such agency or that State or subdivision, to act as special policemen in areas of the National Park System when supplemented law enforcement personnel may be needed, and to exercise the power and authority provided by paragraphs (1), (2), and (3) of subsection (b) of this section;
(2) cooperate, within the National Park System, with any State or political subdivision thereof in the enforcement or supervision of the laws or ordinances of the State or subdivision; and

(3) provide limited reimbursement, to a State, or its political subdivisions, in accordance with such regulations as he may prescribe, where the State has ceded concurrent legislative jurisdiction over the affected area of the system, for expenditures incurred in connection with its activities within that system which were rendered pursuant to paragraph (1) of this subsection.

(b) General management plans for the development of each unit of the national park system, including the areas within the national capital region, shall be prepared by the Director of the National Park Service and transmitted to the Committees on Interior and Insular Affairs.

Such plans shall include:

(1) the facilities which the Director finds necessary to accommodate the health, safety and recreation needs of the visiting public, including such facilities as he may deem appropriate to provide in accordance with the provisions of the Act of October 9, 1965 (79 Stat. 959);

(2) the location and estimated cost of all such facilities; and

(3) the projected need for any additional facilities required for such unit.

(c) The Secretary of the Interior shall hereafter transmit to the Committees on Interior and Insular Affairs all proposed awards of concession leases and contracts involving a gross annual business of $100,000 or more, or exceeding five years in duration (including renewals thereof), and all proposed rules and regulations relating thereto, sixty days before such awards are made or such rules and regulations are promulgated. The Act of July 14, 1950 (70 Stat. 545) is hereby repealed.

Sec. 11. Section 101(a) of Title I of Public Law 89-765, (80 Stat. 915; 16 U.S.C. 470a), is amended by adding thereto a new paragraph to read as follows:

(4) to withhold from disclosure to the public, information relating to the location of sites or objects listed on the National Register whenever he determines that the disclosure of specific information would create a risk of destruction or harm to such sites or objects.

Sec. 12. (a) Not later than January 15 of each calendar year, the Secretary of the Interior shall transmit to the Committees on Interior and Insular Affairs a detailed program for the development of facilities, structures or buildings for each unit of the national park system consistent with the general management plans required in subsection (b) of this section.
Section 4
Departmental Manual
DM 446
This Departmental Manual Release, 446 DM 1 & 2, establishes a Departmentwide law enforcement program, and provides a statement of policies, responsibilities, standards and procedures. The Under Secretary in his memorandum of December 13, 1973 prescribed the initial responsibilities in the establishment of a Departmentwide law enforcement program. As a result, a task force composed of bureau and office personnel was established to review and evaluate existing law enforcement services provided by the Department and to recommend improvements in the overall capabilities for enforcement, prevention, protection and security. The results of the study are reflected in the enclosed program criteria for the Department's law enforcement program.

Bureau and office directors with law enforcement responsibility shall implement the provisions of the enclosed directives and promulgate any other regulations necessary to provide direction to their particular bureau/office law enforcement program. The Departmental Law Enforcement Officer, designated in 446 DM 1, shall monitor and report on the progress of implementation of these guidelines.

A new Departmental Manual Part 446, Law Enforcement, is established for the publication of directives in this program area.

Assistant Secretary of the Interior

FILING INSTRUCTIONS:

Insert:

446 DM 1
(2 sheets)

446 DM 2
(2 sheets)

446 DM 2, Appendix 1
(1 sheet)
Chapter 1 Policy, Responsibilities

.1 Purpose. This chapter provides a statement of policy applicable to all law enforcement programs and activities conducted within the Department. Those bureaus and offices of the Department which administer law enforcement functions shall assure that the following guidelines are incorporated and integrated within their bureau/office programs and operations.

.2 Definitions. For the purpose of interpreting the provisions of this Part 446 of the Departmental Manual and its applicability, the following definitions apply:

A. Law Enforcement Program: The Department’s program aimed at providing optimum services which assure the preservation of public order, safety, resources, and tranquility, including enforcement of laws and ordinances; detection and arrest of offenders; and crime prevention.

In order to provide a completely professional service, the Department’s program involves these three broad areas of activity: Primary line operations concerned with achieving enforcement objectives; auxiliary activities required to support line operations; and administrative activities essential for proper management of the program.

B. Departmental Law Enforcement Officer: The designated official, in the Office of the Secretary, who is responsible for promulgation of policy, standards, and responsibilities. He also coordinates and monitors implementation of all Departmental law enforcement programs as established by this directive and the various bureaus and offices.

C. Law Enforcement Professionals: Those who have entered the service through established selection criteria and receive professional training according to published standards. Continuous inservice training to update their skills and knowledge is mandatory. In addition to selection and training, law enforcement professionals are required to abide by established standards of conduct, performance and ethics.

D. Law Enforcement Equipment: Law Enforcement personnel require certain equipment as tools of their profession. Such equipment may include service revolvers, handcuffs, batons, motor vehicles, radios and, where required, distinctive uniforms.

Auxiliary and administrative services will likewise require equipment in the area of files, office furnishings and other related equipment that will provide for proper records, communications and services to the line operations.
D. Effective with the publication of this release, the CSC standards for skill levels GS-1811, GS-1812 and GS-083 are considered minimum entry level qualifications. It is recognized that some present Departmental employees assigned law enforcement duties may not meet this criteria. However, supervisors must identify these persons and initiate individual actions to upgrade the individual. Specific criteria to meet the current needs of the profession will be defined in coordination with the respective bureaus, the Civil Service Commission and other government agencies at a later date.

E. The Department shall provide for inservice training for law enforcement employees.

F. An efficient communication and reporting system shall be maintained in all Departmental law enforcement agencies.

G. The Department shall maintain minimum standards for law enforcement equipment. Equipment within each bureau shall be standardized except where special purposes require deviations.

H. No Departmental activity shall request the assistance of military forces to suppress disorder (maintain law and order) except through the Office of the Secretary.

.A Responsibilities. The Assistant Secretary -- Management is responsible for developing and monitoring Departmentwide policies, standards and reporting systems for law enforcement activities of the Department. These policies will be developed in consultation with the bureaus and offices.

A. Office of Management Operations. The Chief, Division of Enforcement and Security Management, acting through the Director of Management Operations, is designated as the Departmental Law Enforcement Officer. The Departmental Law Enforcement Officer monitors the law enforcement program of each bureau and assures Departmentwide compliance with all policy and standards. He also acts as the official Departmental representative with other Departmental level law enforcement agencies.

B. Bureaus and Offices. Bureaus and offices which administer law enforcement programs are responsible for:

(1) Enforcing the above policies and developing any additional policies necessary for the successful accomplishment of their law enforcement responsibilities.
(2) Assuring that a professional law enforcement administrator within each bureau is responsible for bureauwide direction, staff supervision, and formation of operational procedures and policy. Where practical, such administrator should be the security officer for the bureau (See 442 DM 1.3C).

(3) Developing legislative proposals which include provisions for enforcement of the law by Departmental employees where required. Also, future legislation should permit the Secretary to make and publish rules and regulations, which carry criminal penalties, governing conduct on lands administered by the Department.
.1 Purpose. This chapter prescribes minimum standards and required procedures applicable to all law enforcement activities within the Department.

.2 Standards. The following standards will be incorporated into all bureau/office law enforcement programs, and shall be applied in all decision-making, administrative procedures and program development activities.

A. All contracts for law enforcement services shall require the contractor to maintain the same standards that are required of programs operated directly by the Department.

B. Each law enforcement officer shall be specifically identified as such and shall be individually authorized to make arrests and to carry firearms, and only employees assigned duties as law enforcement officers shall be authorized to carry firearms and to make arrests, except where firearms are necessary in the performance of other game management or resource protection duties.

C. Uniforms, when worn, will positively identify the wearer as a law enforcement officer. Badge, name plate and bureau patch must be visible at all times. Uniforms of all nonenforcement personnel shall be plainly distinguishable from the uniforms of law enforcement officers.

D. Except in firearms training, each time a firearm is used for law enforcement purposes a report shall be filed with the superior of the officer who used the weapon. Whenever use of a weapon results in serious injury or death of any person, the officer shall be placed on administrative leave, or be assigned to strictly administrative duties, pending a thorough investigation of all circumstances surrounding the incident.

E. Each bureau shall require its officers to maintain their shooting proficiency and fire for record at least twice a year at a recognized and approved firearms practice course. Firearms will not be issued to enforcement personnel until each has demonstrated his ability to properly use the weapon.

F. Each bureau shall specify the type of firearms, ammunition and auxiliary equipment to be used by the law enforcement officers of that bureau.
L. Each bureau law enforcement organization shall develop a law enforcement management information system which is compatible for use with the computerized statistical reporting system used by the National Park Service. NPS shall make necessary modifications to adapt the system to the needs of each bureau in order to provide useful data and standardization of format.

M. Each local law enforcement unit shall maintain a communications system that meets the Department regulations and minimum technical standards.

N. Vehicles used by each bureau for normal law enforcement activities shall meet GSA standards and be identically marked as law enforcement vehicles except as deviations are required for plainclothes purposes. Gasoline requirements shall receive priorities as do other emergency functions.

.3 Procedures.

A. Any request for the establishment of a new law enforcement program shall have the concurrence of the Department Law Enforcement Officer prior to submission to the Office of Management and Budget or the Congress.

B. All requests for non-emergency assistance or manpower from other Federal enforcement agencies shall be communicated to the Departmental Law Enforcement Officer.

C. All incidents which are of potential national significance or are potentially embarrassing to the Department shall be reported immediately if practicable but under no circumstances later than 24 hours after the event through channels to the Department Law Enforcement Officer and to the headquarters office of the bureau involved.

D. Each law enforcement organization shall designate an intelligence officer authorized to receive and send sensitive information related to law enforcement and he shall have an appropriate security clearance.

E. The following procedures will apply to the recruitment and performance evaluation of law enforcement officers:

(1) All applicants who qualify in the written examination and meet the education and/or experience and physical requirements shall be interviewed in accordance with GS-1811, GS-1812 and GS-1833 standards. The law enforcement administrator of each bureau will designate qualified law enforcement officials to conduct interviews.
(2) The guidelines in the FPM chapter 315 shall be followed in reviewing and evaluating the performance of law enforcement officers during their probationary year. Care should be exercised when considering individuals who have previously gained Civil Service status. Probationary periods are only established to cover the initial year of employment under the Civil Service program. Should a person with more than one year of status be employed as an enforcement officer, they could be released from the program for inefficiency, lack of adaptability or personal habits that are not compatible with good law enforcement management principles.
LAW ENFORCEMENT CODE OF CONDUCT

1. I will faithfully abide by all laws, rules, regulations, and customs governing the performance of my duties and I will commit no act that violates these laws or regulations, or the spirit or intent of such laws and regulations while on or off duty.

2. In my personal and official activities, I will never knowingly, violate any local, State or Federal laws or regulations, recognizing that I hold a unique position of traditional high public trust which carries an inherent personal commitment to uphold laws and the integrity of my profession. For these reasons, I understand that this code places special demands on me to preserve the confidence of the public, my peers, my supervisors, and society in general.

3. I will commit no act in the conduct of official business or in my personal life that subjects the Department of the Interior to public censure or adverse criticism.

4. While a law enforcement officer I will neither accept outside employment, nor make any display representative of the Department that will in any way conflict with the law enforcement interests or jeopardize the activities or mission of the Department, or gives the appearance of conflict.

5. As a law enforcement officer and representative of the Department, I will conduct all investigations and law enforcement functions assigned to me impartially and thoroughly, and report the results thereof fully, objectively, and with meticulous accuracy.

6. In investigative process, I will be judicious at all times and I will release information pertaining to my official duties, orally or in writing, only in accordance with law and announced policy.

7. I will accept nothing even of the slightest value, including favored treatment of any kind, from anyone on my own behalf or behalf of another person, recognizing that acceptance may result in a conflict or give the appearance of a conflict with my official duties or in my effectiveness as a law enforcement officer.
8. I will abide by all rules, practices and regulations of the Department including those relating to health, safety, and technical expertise requirements of my position.

9. I understand that this Code of Conduct is in addition to requirements imposed on me and applicable to all Department of the Interior employees as cited in Department regulations governing responsibilities and conduct of employees (43 CFR 20), which I have reviewed, and that a violation of this Code or provisions of the aforementioned regulations may be cause for disciplinary action or removal from the Department.

Name

Date

12/20/74 #1706
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G. All law enforcement officers employed shall as a minimum meet the Civil Service Commission GS-1811, GS-1812 or GS-083 series qualification standards. Civil Service qualification standards for guards "shall be used only for those persons hired exclusively to perform guard duties." All successful applicants shall be physically able to perform efficiently the duties of a law enforcement officer within any bureau in the Department. Applicants shall be disqualified for appointment for failure to meet any physical requirements prior to appointment or for failure to obtain final medical clearance. Entrance and grade levels for the Department of the Interior law enforcement officers shall be comparable to those of other Federal law enforcement agencies. Enforcement personnel who work longer than their standard shift shall be compensated for overtime. Each bureau shall develop a law enforcement career ladder that provides promotional opportunities from bottom to top for all employees.

H. All law enforcement positions are designated critical-sensitive. Prior to employment a full-field background investigation meeting the score of FPM chapter 736 shall be completed and referred to the Departmental law enforcement officer for evaluation. Upon notification that the bureau law enforcement offices are organized and functioning as required in this directive, this responsibility will be delegated to the chief law enforcement officer of each bureau. Investigations shall be conducted only after the applicant has otherwise qualified except for final medical clearance.

I. Each bureau shall require adherence to the Departmental Law Enforcement Code of Conduct and shall promulgate additional code provisions to meet specific needs (see Appendix 1).

J. Each bureau shall establish a professional law enforcement inspection and evaluation capability to assure compliance with Departmental and bureau law enforcement policies, standards and procedures and to assure professional conduct.

K. All entry-level law enforcement personnel and all criminal investigators shall successfully complete the training courses at the Consolidated Federal Law Enforcement Training Center (CFLETC) or at any other comparable Federal law enforcement training school. Approval of the Departmental Law Enforcement Officer is required for training programs not conducted by the CFLETC. Each law enforcement officer shall thereafter receive a minimum of 40 hours of "in-service" law enforcement training each year.
This release establishes a new chapter to 446 DM regarding records and communications in law enforcement.

Records and communications are auxiliary functions which provide technical, special and supportive services to line and staff elements of a law enforcement agency. After line operations, they are probably the most costly part of enforcement management. Serious consideration must be given to assure that they are adequate, efficient and effective.

Bureau and office directors with law enforcement responsibilities shall implement the provisions of the enclosed chapter, 446 DM 3, Records and Communications, and promulgate any other regulations consistent with their particular law enforcement program, especially in the areas indicated.

Also added in 446 DM 3.4 is guidance regarding the monitoring of private conversations.

FILING INSTRUCTIONS:

Remove:  
None

Insert:  
446 DM 3  
(3 sheets)
Purpose. This chapter establishes guidelines to assist each bureau in implementing policy and standards for law enforcement records and communications systems.

2 Records. Enforcement management needs to provide and make use of an efficient records system as one of the basic devices of administration. An efficient records system will enable an enforcement administrator to measure work loads and performance levels, allocate resources efficiently and project realistic budgets.

A. Policy. Each law enforcement agency shall establish and maintain basic records such as reportable incident files, of both a criminal and non-criminal nature. Such records will act not only as the memory bank for the agency but will serve as a critical tool for Department and agency enforcement administrators to render decisions governing daily operation and short and long-range planning. The following are established as guidelines for agencies in developing a records system for their law enforcement program.

1. All agencies within the Department that have law enforcement responsibilities should immediately publish guidelines as to the circumstances which require an officer to complete a report.

2. Agencies should provide printed forms for criminal acts committed, arrests made and other incidents reported.

3. Report forms should be simple. There should be enough appropriately headed fill-in boxes and accompanying instructions to assist the officer in obtaining and reporting all required information.

4. Report forms should be designed to allow for systematic collection of summary and management data.

5. Agencies should establish a forms control procedure to assure that all forms utilized are approved. There should be a periodic review and evaluation to assure that forms being utilized are appropriate and data collected and stored is necessary and/or sufficient.

3 Communications. If enforcement operations and services are to function effectively, communications systems for law enforcement programs within the Department warrant immediate improvement. All component parts, telephone systems, command and control operations, and radios must be included and considered.
A. Policy. Each law enforcement agency shall immediately initiate steps to develop and implement agency policy and standards to assure adequate communications systems for law enforcement programs. Guidelines should be aimed at upgrading the telephone systems, improving coordination of enforcement units in the field with command sites and overcoming the apparent weakness of the saturated radio frequency spectrum.

B. Standards. Each bureau law enforcement agency shall require and take necessary steps to provide the following minimum communications standards.

1. There should be full-time telephone service sufficient to provide prompt answering of calls for service, assistance and information. Emergency trunk lines, in addition to and separate from business lines should be sought. Recorded message and remote playback devices should be utilized where practical.

2. Fail-safe recording equipment for continuous recording and instantaneous playback of radio transmissions and of all incoming telephone complaint calls should be utilized.

3. Install a 24-hour two-way radio capability providing continuous communications between mobile and base field units or provide for a tie-in service on a 24-hour basis with another agency.

4. Insure that delay time in the case of an emergency call does not exceed a maximum established time. The same should be established for non-emergency calls.

5. Law enforcement administrators shall insure that the agency's law enforcement radio system is used only for law enforcement purposes.

6. Equip on-duty officers, where necessary, with portable radios capable of providing adequate two-way communications.

7. Have access to the following computer-based systems:

   a) FBI National Crime Information Center (NCIC)

   b) Law Enforcement Teletype System (LETS)
(c) That it is the considered judgment of the person making the request that monitoring is warranted in the interest of effective law enforcement.

(3) To assure adequate time for considering a request and for notifying the requesting bureau or office of the appropriate decision, if is important that each request be received by the Office of the Attorney General no less than 48 hours prior to the time of the intended monitoring. It should be clearly understood that the use of consensual devices will not be authorized retrospectively.

(4) Where a request cannot be made in compliance with the 48-hour requirement, or in exigent circumstances precluding request for authorization in advance of the monitoring such as the imminent loss of essential evidence or a threat to the immediate safety of an agent or informant emergency monitoring may be instituted under the authorization of the Secretary or Solicitor or their designees. The Attorney General or his designee shall be notified promptly of any such monitoring and of the specific conditions that precluded obtaining advance approval, and shall be afforded the information enumerated in 46 DM 3.4A(2) that would have been given in requesting advance approval. Each bureau and office should develop procedures to assure that under such exigent circumstances its agents will be capable of acting expeditiously. Bureau and office heads shall advise the Attorney General or his designee (through the Division of Enforcement and Security Management, Office of the Secretary) as to the identity of those officials who have been designated to authorize such emergency monitoring.

B. Telephone Conversations.

(1) The monitoring of private conversation with the consent of one party to the conversation is permissible if one party to the conversation is a Federal law enforcement agent or one who is cooperating with a Federal law enforcement agent and has consented to the overhearing, transmitting, or recording of the conversation. The consent of all participants is not necessary.

(2) Bureaus shall establish control procedures over monitoring of telephone conversations. Although the consent of all participants is not necessary, approval for such electronic surveillance or eavesdropping must be obtained from the bureau's chief law enforcement officer or other designated law enforcement officers in the exigent circumstances.
.4 Monitoring of Private Conversations. This section establishes procedures governing the monitoring of private conversations with the consent of at least one party, consistent with the Attorney General's memorandum on this subject to Heads of Executive Departments and Agencies, October 16, 1972, as amended by supplemental memorandum, September 4, 1973, and Attorney General Order No. 566-74, April 25, 1974, relating thereto. In addition, this section concerns the investigative use of electronic and mechanical devices secretly to overhear, transmit, or record private conversations when one or more of the parties to the conversation is a Federal law enforcement agent or is cooperating with a Federal law enforcement agent and has consented to the overhearing, transmitting, or recording of the conversation. This section does not restrict any form of monitoring when all parties to the conversation consent, nor does it affect existing instructions on the related matter of electronic surveillance (eavesdropping) without the consent of any party to a conversation.

A. Conversations Other Than Telephone Conversations.

(1) All bureaus and offices shall, except in exigent circumstances as discussed below, obtain the advance authorization of the Attorney General or any designated Assistant Attorney General or Deputy Assistant Attorney General (see Attorney General Order No. 566-74, April 25, 1974) before using any mechanical or electronic device to overhear, transmit, or record private conversations without the consent of all the participants. Such authorization is required before employing any such device, whether it is installed on premises under the control of the participant. (Covered in 312 DM 1)

(2) Requests for authorization to monitor private conversations shall be addressed to the Attorney General, in writing, by the head of the bureau or office responsible for the investigation, or his delegate, and shall state:

(a) The reason why monitoring appears desirable, the means by which it would be conducted, and its expected duration.

(b) The names of the persons whose conversations would be monitored and their roles in the matter under investigation. When the name of the non-consenting party or parties is not known at the time the request for authorization is made, the bureau or office making the request shall supply such information to the Attorney General within 30 days after the termination of the monitoring.
(c) That it is the considered judgment of the person making the request that monitoring is warranted in the interest of effective law enforcement.

(3) To assure adequate time for considering a request and for notifying the requesting bureau or office of the appropriate decision, it is important that each request be received by the Office of the Attorney General no less than 48 hours prior to the time of the intended monitoring. It should be clearly understood that the use of consensual devices will not be authorized retrospectively.

(4) Where a request cannot be made in compliance with the 48-hour requirement, or in exigent circumstances precluding request for authorization in advance of the monitoring—such as the imminent loss of essential evidence or a threat to the immediate safety of an agent or informant—emergency monitoring may be instituted under the authorization of the Secretary or Solicitor or their designees. The Attorney General or his designee shall be notified promptly of any such monitoring and of the specific conditions that precluded obtaining advance approval, and shall be afforded the information enumerated in 446 DM 3.4A(2) that would have been given in requesting advance approval. Each bureau and office should develop procedures to assure that under such exigent circumstances its agents will be capable of acting expeditiously. Bureau and office heads shall advise the Attorney General or his designee (through the Division of Enforcement and Security Management, Office of the Secretary) as to the identity of those officials who have been designated to authorize such emergency monitoring.

B. Telephone Conversations.

(1) The monitoring of private conversation with the consent of one party to the conversation is permissible if one party to the conversation is a Federal law enforcement agent or one who is cooperating with a Federal law enforcement agent and has consented to the overhearing, transmitting, or recording of the conversation. The consent of all participants is not necessary.

(2) Bureaus shall establish control procedures over monitoring of telephone conversations. Although the consent of all participants is not necessary, approval for such electronic surveillance or eavesdropping must be obtained from the bureau's chief law enforcement officer or other designated law enforcement officers in such exigent circumstances.
This release establishes an addendum to Part 446 DM, Law Enforcement.

It is universally recognized that complexities inherent in the law enforcement function dictate the personnel so employed possess a high degree of intelligence, tact, sound judgment, emotional stability, impartiality, personality, and other related characteristics. Thus, it is essential that the selection, training, and performance evaluation processes as well as standards of conduct and discipline be established as set forth in 446 DM 4.

Bureau and office directors with law enforcement responsibility shall implement the provisions of 446 DM 4, and promulgate any other regulations consistent with their particular law enforcement program, particularly in the areas as indicated.

FILING INSTRUCTIONS:

Remove: None
Insert:

446 DM 4
(3 sheets)
Chapter 4 Personnel Qualifications and Standards

446.4.1 Purpose. This chapter establishes criteria to be followed by each bureau in implementing its standards and procedures for law enforcement personnel, selection, training, performance evaluation, conduct and discipline.

Selection. It is essential that the selection process utilized throughout the Department be standardized to assure high professional law enforcement standards. Only applicants possessing adequate education and/or experience, aptitude and high moral character shall be employed as law enforcement officers. Continued employment shall be conditional on the individual maintaining a high level of professional performance.

A. All applicants shall meet as a minimum the Civil Service GS-1811, GS-1812, or GS-083 series qualification standards.

B. All law enforcement positions are designated critical-sensitive. A full field investigation meeting the scope of FPM 716 shall be completed and referred to the bureau Chief Law Enforcement Officer for evaluation. In all cases, at minimum, a preappointment National Agency Check will be conducted. Where the full field investigation has not been completed prior to appointment, said appointment will be contingent on completion and favorable evaluation of the investigation.

C. Medical standards shall be established by all bureaus and they will be reviewed and approved by the Chief, Division of Medical and Health Services, APM. Applicants shall be physically able to perform efficiently the duties of a law enforcement officer within any bureau in the Department. Applicants shall be disqualified for appointment for failure to meet any physical requirements prior to appointment or for failure to obtain final medical clearance.

D. All applicants who qualify in the written examination and meet the education and/or experience, medical and physical requirements shall be interviewed in accordance with GS-1811, GS-1812, and GS-083 standards. The law enforcement administrator of each bureau will designate qualified law enforcement officials to conduct these interviews.

E. Where personnel are employed for law enforcement functions for other than permanent positions the following procedures will be followed:

   (1) Personnel who are to be hired for no more than 15 days will be hired only after a fingerprint check with the FBI.

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(2) Personnel who are to be hired for more than 15 days, or in a temporary position pending availability of a permanent position, will have the necessary investigation commenced consistent with 446 DM 4.2B.

3 Training. Aside from individual intelligence, prior education, judgment and emotional stability, a law enforcement officer must receive extensive technical training to understand the law enforcement task and to know how to perform it professionally. Untrained law enforcement officers are dangerous to the public and to themselves.

A. All entry-level Federal police personnel and all criminal investigators shall successfully complete the appropriate training courses at the Federal Law Enforcement Training Center or at another law enforcement training school. Approval of the Chief, Division of Enforcement and Security Management, AMO, is required for training programs not conducted by the FLETC.

B. The required basic training for all newly employed full-time enforcement personnel, police and/or criminal investigators, shall be successfully completed as soon as possible; preferably prior to on-site job assignment, but in all cases within the probationary period for employment in a law enforcement position. Where the latter condition cannot be met due to circumstances beyond the control of the hiring agency, the agency should consider a contingency to final approval of employment in a law enforcement position based on successful completion of required basic training.

C. All personnel hired on a temporary basis will receive weapons familiarization training and be certified as proficient in the use of firearms by a qualified instructor, regardless of the period of employment. Personnel in a temporary status for more than 15 days will receive minimum basic training of at least 40 hours.

D. Each bureau shall develop in-service training programs for law enforcement personnel--minimum of 40 hours each year.

4 Conduct. It is recognized that Department law enforcement officers are Federal Civil Service employees and as such are subject to Civil Service regulations and rules. However, due to the nature of their position and their duties and responsibilities, it is deemed necessary to have more specificity in directing their conduct. All law enforcement officers shall:

A. Be punctual in reporting for duty at time and place designated.

B. At all times and under all circumstances be courteous, considerate, patient and not use harsh, violent, profane or insolent language.
C. Familiarize themselves with all pertinent provisions of statutes, ordinances, regulations and Departmental rules and regulations.

D. Make required reports of all incidents coming to their attention.

E. Immediately report the loss of any part of his/her equipment or issued property. Any officer who loses his/her badge or other equipment or issued property of any type through carelessness shall be deemed guilty of neglect of duty.

F. In a courteous and non-controversial manner give their name and badge number to persons who request same.

G. Be required to report in writing to his/her superior officer any injury to his/her person or any damage to government property in his/her charge. Such report shall be in detail and will include names and addresses of all witnesses. When an officer is injured to such an extent that he/she is physically unable to prepare such a report concurrently with the injury, the report shall be made by his/her immediate superior officer.

H. Semiannually report for firearms instruction and proficiency testing and qualify with the service revolver under such rules as the bureau may prescribe.

I. Make a complete report of the use of a firearm or any other weapon to exert force. Such report will be made to his superior officer who shall investigate the occurrence and forward through channels a report thereof, including recommendations, to the bureau law enforcement administrator. A copy will be forwarded to the Division of Enforcement and Security Management, AMO.

J. Be responsible for the proper performance of the duties assigned to them and for strict adherence to the rules and regulations adopted for governing bureau enforcement programs.

K. Not engage in any business or employment for compensation of any type nor engage in any other activity where such employment, activity or business will in any manner directly or indirectly interfere with the proper and efficient performance of their duties, bring disrepute upon the Department or any of its bureaus, or result in or create the appearance of conflicts of interest.

.5 Discipline. Specific benefits can be derived when an adequate amount of discipline exists in an enforcement organization. Morale is raised and the community being served is impressed when enforcement
administrators correct problems. It is not possible to enumerate all types of misconduct for which disciplinary action may be taken. In cases where there is no rule to cover a specific situation, the matter should be handled as conditions and circumstances warrant. Department law enforcement officers who are guilty of any of the following shall be subject to immediate disciplinary action:

A. Performing or reporting for duty under the influence of an intoxicating agent.

B. Malingering or feigning illness or injury in order to evade the performance of duty.

C. Insubordination, disobedience, or failure to obey a lawful order of a superior officer or order issued by authorized personnel.

D. Willfully and knowingly make an untruthful statement of any kind in any verbal or written report pertaining to his/her official duties, to or in presence of any superior or intended for the information of any superior, or make any untruthful statement before any court or to any authorized government official.

E. Inefficiency as evidenced by repeated and well-founded complaints from superiors or others concerning the performance of duties or neglect of duty.

F. Receiving money or other valuable consideration contrary to Departmental rules and regulations.

G. Absence from duty without leave.

H. Willfully mistreating or using unnecessary violence toward a prisoner or other person.

I. Neglect of any duty to which assigned or required by rule and regulation adopted by authorized personnel.

J. Conviction in any court of competent jurisdiction of any criminal offense or any offense tending to bring discredit upon the Department and/or bureau.

K. Any conduct not specifically set forth herein which is prejudicial to the reputation and good order of the Department and/or bureau, or involving failure to obey or observe any regulation and order relating to the discipline of the enforcement agency.
.6 Evaluation. Performance evaluation is a continuous process.

A. Full evaluation must be made of law enforcement recruits' abilities in order to determine whether or not they can cope with unusual demands of law enforcement service and to detect weaknesses which may develop under actual working conditions.

(1) Guidelines in FPM Chapter 315 shall be followed in reviewing and evaluating the performance of law enforcement officers during their probationary period.

(2) Personnel, with prior Civil Service status, employed as an enforcement officer, shall have their performance evaluated to assure that they are suited for this position. They may be released from this function for inefficiency or personal habits that are not compatible with good law enforcement management principles.

B. Bureaus with law enforcement responsibilities shall establish a performance evaluation program for their enforcement personnel. Such programs will at least provide for:

(1) Annual performance evaluation of all law enforcement personnel by appropriate superiors.

(2) Development of performance standards against which enforcement personnel will be evaluated.

(3) Maintenance of proper records of evaluation reports in compliance with established Department or other Federal regulations.

(4) Appropriate and prompt personnel action in cases of continued unsatisfactory performance.
This release establishes an addendum to Part 446 DM, Law Enforcement.

The high value placed upon human life in our society and the increasing number of crimes that are considered felonies have caused a gradual constriction of enforcement officers' power to use deadly force. Thus, the policies, standards and procedures regarding police defensive weapons, particularly firearms, as set forth in 446 DM 5, establish guidelines for Department enforcement officers' training and use of such weapons. One of the greatest trusts placed in the enforcement officer is his responsibility for proper use of firearms. This responsibility holds each officer accountable for discriminate use of weapons based on sound judgment and discretion.

Bureau directors with law enforcement responsibility will implement the provisions of 446 DM 5, and promulgate any other regulations consistent with their particular law enforcement program, especially in the areas indicated.
5.1 Purpose. This chapter provides for expansion of those require-
ments established in 446 DM 1.3, 446 DM 2.2B, 2.2D, 2.2E, and 2.2F.
It establishes uniform policy concerning the use of force and defensive
weapons by all employees of the Department of the Interior who are
engaged in law enforcement duties.

5.2 Policy. The amount of force used, when it is required to take a
person into custody, will only be that which is absolutely necessary
to effect the arrest. Each officer is responsible for his acts and
their results.

A. A firearm may be discharged only as a last resort when in
the considered opinion of the officer there is imminent danger of death
or serious injury to the officer or to another person.

B. The firing of warning shots is prohibited.

C. Firing from a moving vehicle is prohibited.

D. Chemical mace should be used only to apprehend dangerous
violators of the law, or persons who present a danger to themselves or
others. Care should be taken to afford first aid to any person upon
whom mace has been used to assure there is no serious damage,
particularly to the eyes.

5.3 Authority to Carry Firearms.

A. Authorizing Official. In accordance with statutory authority
and established guidelines, the Secretary of the Interior may authorize
designated Department employees to carry firearms. For the efficiency
of operations, and maintenance of proper records, this authority may
be delegated to bureau heads or their designated representatives.

B. Employees Permitted to Carry Firearms. Only Department law
enforcement officers are authorized to carry firearms. Law enforce-
ment trainees may carry weapons only when receiving firearms training.
Bureaus may permit other employees to carry firearms when functions or
circumstances related to their official duty necessitates such
permission.

5.4 Required Qualifications.

A. Initial Qualifications. Prior to proficiency certification
by a qualified instructor, all Department employees authorized to
carry firearms will be required to receive a minimum of four hours training in the safety, handling, firing, and legal/moral aspects of the use of weapons.

B. **Semiannual Qualifications.** A proficiency test for each type of weapon will be conducted by all bureaus on a semiannual basis. Department law enforcement officers must attain a score of 70 percent or better to be qualified to carry a firearm (see 446 DM 5.7A). Proper records will be established and maintained on firearms proficiency by each bureau. Any officer who fails to qualify should be reassigned, pending qualification, to duties that do not require use of firearms. If an officer fails to qualify after retesting, he will be permanently reassigned to a position not requiring use of firearms.

### 5.5 Types of Firearms.

A. Bureaus will specify and standardize the type of firearms and ammunition to be used by law enforcement officers of that bureau (note 446 DM 2.2F).

B. Neither automatic weapons nor rifles will be used for routine law enforcement purposes.

C. Sidearms, rifles, and shotguns used for law enforcement purposes should be uniform as to make and model.

### 5.6 Carrying Firearms. Law enforcement officers in uniform will carry firearms and said weapons should not be concealed except when, due to weather conditions, an outside garment is worn that will cover the weapon. These garments must be designed so that the weapon is readily accessible.

### 5.7 Proficiency Training.

A. **Minimum Qualifying Score.** All bureaus will require a minimum score of 70 percent on an approved qualification course as the basic score for certification as proficient in the use of police firearms. A score of less than 70 percent will be unsatisfactory for purposes of the required semiannual weapons qualification.

B. **Firearms Instructors.** Firearms instructors so designated by bureaus within the Department will be certified according to standards established and approved by the Federal Law Enforcement Training Center, FBI, or National Rifle Association.
5.8 Inspection of Weapons. There will be an inspection of all weapons on a frequently scheduled basis to assure that all are serviceable and being maintained with proper care. All weapons found to be unserviceable will be immediately replaced by serviceable weapons while repairs are being made. Individual bureaus will establish procedures for weapons inspection and maintain appropriate records.

5.9 Actions to be Taken When Firearms Are Used.

A. It will be the responsibility of each law enforcement officer who discharges his weapon to immediately notify his supervisor. A report of the circumstances will also be prepared and forwarded to the supervisor.

B. Upon receipt of a report that a weapon has been discharged, without injury to any person, a law enforcement supervisor will investigate the incident and submit a report of his findings and recommendations, through appropriate channels, to the bureau's Chief Law Enforcement Officer.

C. Where the incident involves injury or death to a person, the bureau Chief Law Enforcement Officer will promptly, through appropriate channels, notify the Chief, Division of Enforcement and Security Management, AMO.

D. Upon notification that an officer has caused injury or death with a firearm, the person with designated responsibility will place the officer on administrative leave or assign the officer to administrative duties pending a thorough investigation of the incident by the appropriate supervisory law enforcement officer. A report of the investigation, will be forwarded to the bureau Chief Law Enforcement Officer, who will determine what action will be taken and forward his recommendations to the bureau/office head. Copies of all reports will be forwarded through the bureau's Chief Law Enforcement Officer to the Division of Enforcement and Security Management, AMO.
**EXPLANATION OF MATERIAL TRANSMITTED:**

This release establishes a new chapter to 446 DM, Law Enforcement.

446 DM 6, Emergency Assistance, sets forth Departmental guidelines for bureaus in developing plans for a cooperative inter/intradepartmental law enforcement operation when any unusual and serious incident has developed or will develop beyond the control of the individual bureau.

Bureau heads with law enforcement responsibilities will implement the provisions of 446 DM 6 and promulgate guidelines consistent with their particular law enforcement program to insure compliance with established policies and procedures.

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**FILING INSTRUCTIONS:**

Remove:  
None

Insert:  
446 DM 6 and Appendix 1  
(3 sheets)
6.4 Procedures.

A. Anytime it is necessary to utilize other than an agency's own enforcement capabilities to quell or restrict a disturbance, or to cope with a rumored or confirmed situation, the concerned bureau will immediately notify:

(1) Chief Law Enforcement Officer, AMO
   Telephone: 202/343-8357 (During office hours)

(2) United States Park Police, NPS
   Telephone: 202/426-4480 (During non-office hours)

B. During non-office hours, the United States Park Police will notify the appropriate official in the Division of Enforcement and Security Management, AMO.

6.5 Intradepartmental Assistance.

A. Bureau law enforcement administrators may, through proper channels and with the concurrence of appropriate management personnel, orally request assistance from another Departmental agency. A written memorandum substantiating the request must follow immediately. A copy of the memorandum will be forwarded to the Division of Enforcement and Security Management, AMO.

B. Throughout the duration of an unusual situation, proper channels of communication will be established to ensure the flow of information to appropriate personnel including the Assistant Secretary for Policy, Budget, and Administration, and the Division of Enforcement and Security Management, AMO.

C. A critique of the incident, including assistance required, will be made at the termination of the emergency. The critique report, including recommendations for any necessary procedural changes, will be forwarded to the affected bureau heads and to the Division of Enforcement and Security Management, AMO.

6.6 Interdepartmental Assistance. Departmental enforcement capabilities will be utilized to their fullest before requesting outside assistance for civil or unusual disturbances.

A. All requests for assistance will be coordinated with the Chief, Division of Enforcement and Security Management, AMO.

B. When the assistance of the U.S. Marshals Service is
6.1 Purpose. This chapter sets forth policies, procedures, and other guidelines applicable to all Department law enforcement programs when a competent authority determines that assistance from other Federal (including intradepartmental agencies) or local enforcement agencies is necessary to cope with an emergency situation.

6.2 Policies. The following general policies apply to the requesting of assistance from another Federal (including intradepartmental) or local enforcement agency.

A. Cooperative inter/intradepartmental law enforcement assistance is encouraged and authorized.

B. Bureaus with law enforcement responsibilities will carefully restrict the use of enforcement agencies from outside the Department. Such action will only be considered after management and law enforcement officials at the local and intermediate levels determine that an emergency need exists beyond the capability of the local authority.

6.3 Responsibilities. The head of each bureau and office which administers law enforcement programs will assure:

A. The establishment of adequate guidelines to enable their law enforcement administrator and appropriate management personnel to provide or request intradepartmental law enforcement assistance, to include both personnel and equipment, on lands within the jurisdiction of the Secretary.

B. The development of an emergency operating procedure to be used if it is necessary to call upon the services of other Federal or local enforcement agencies to assist in coping with a situation beyond the bureau's capability. Such a plan should include:

(1) List of radio frequencies
(2) Names and telephone numbers of key management, enforcement, and support personnel
(3) Location of control center
(4) Lines of communications

C. The adherence to the provisions of the Memorandum of Understanding between the Department of the Interior and the Department of Justice, established as of June 17, 1975 (see 446 DM 6.6B).

6/27/77 #1991
New -61-
necessary, bureaus will adhere to the provisions of the Memorandum of Understanding between the Department of the Interior and the Department of Justice (see Appendix 1).

C. The Division of Enforcement and Security Management, AMO will establish liaison with the appropriate agency. When circumstances require, the Chief, Division of Enforcement and Security Management will:

1. Alert the appropriate agency that a situation may require their assistance;

2. Coordinate all requests for assistance from the field through appropriate law enforcement administrators;

3. Establish proper lines of communications to ensure that all pertinent information regarding the situation is received and properly disseminated on a day-to-day basis.

D. Bureaus will establish adequate guidelines to:

1. Assure that local offices are cooperating with the U.S. Attorney in their areas to effect a planned law enforcement response in the event of a civil or public disturbance on lands administered by the Secretary;

2. Keep local U.S. Marshals alerted to present and/or potential activities that may create a need for their assistance;

3. Develop a line of communication from bureau field units through area/regional offices to the central office and the Division of Enforcement and Security Management AMO;

4. Establish procedures to secure the services of all local forces, including state and local enforcement agencies, available and capable of providing support services.

6.7 Use of U.S. Military Forces. The provision of the Posse Comitatus Act (18 U.S.C. 1385) allows the use of military forces in the enforcement of civil law only under the authority of the President. Therefore, emergency plans should not provide for the use of military units.

6/27/77 #1991 New
Memorandum of Understanding
Between
U.S. Department of the Interior
and
Marshals Service
U.S. Department of Justice

In the past, civil or public disturbances have occurred on lands under the jurisdiction of the Secretary of the Interior that have created conditions that Department enforcement agencies could not fully cope with and because of jurisdictional limitations, State and county enforcement agencies could assist only to a limited degree. In some instances, it was deemed necessary to request the services of the Marshals Service, U.S. Department of Justice. It is not inconceivable that at some time in the future a civil or public disturbance of such magnitude could occur on any of the lands under the Secretary's administration and assistance of the Marshals Service would be necessitated, in accordance with the provisions of 18 USC 3053.

A diffusion of effort relating to decisions on law enforcement problems negates the possibility of a successful coordinated response and solution to the problem. Therefore, in view of the foregoing, and to provide for a standard procedure, the following understanding exists between the Marshals Service, U.S. Department of Justice, and the U.S. Department of the Interior as regards civil disturbance activities on any lands under the jurisdiction of the Interior Department and its bureaus and offices:

A. The Department of the Interior Will:

1. Through its appropriate bureau and office law enforcement administrators, prepare guidelines for local offices in cooperating with the U.S. Attorney in their areas to effect a planned law enforcement response to civil or public disturbance.

2. Keep the Marshals Service alerted to present or potential civil disturbance activity which might create a need for their assistance. Designate Department enforcement officers who will, through their bureau director or designated law enforcement administrator, provide this information to local Marshals Service and to the Division of Enforcement and Security Management, Office of the Secretary who will alert the Washington office of the Marshals Service.

3. Secure the services of appropriate State and local enforcement agencies available and capable of providing effective support in quelling a disturbance.

4. Request assistance from the Marshals Service, Washington office, in quelling a disturbance at such time as it appears that local forces cannot cope with the situation either because of manpower or jurisdiction limitations. Such request will be made by the Secretary of the Interior, or his designee, to the Attorney General.

5. Reimburse the Marshals Service for the direct costs of such service furnished under B-3 upon presentation of billing on SF 1081 voucher. The billing may include full salary of participating officers, their travel, transportation and such other direct costs as may be mutually agreed upon.

6/27/77 #1991
New
B. The U.S. Marshals Service Will.

1. Through their local offices, assist as requested, to the extent manpower is available, in the planning effort described in A-1. Such participation will be strictly limited to an advisory role in the planning stage.

2. As deemed necessary by appropriate officials of Marshals Service and the Department of the Interior, make reconnaissance of the area of actual or potential civil disturbance reported to them under A-2, in the event their forces might later be committed.

3. Upon receipt of an approved request from the Attorney General or his designee for assistance under A-4, provide manpower and equipment as determined by the Marshals Service to be sufficient to handle the situation in an effective and timely manner.

4. Bill the Department of the Interior or requesting bureau/office for services rendered under B-3 on a current basis.

This Memorandum of Understanding shall become effective upon execution and shall continue in effect until terminated by mutual agreement of the parties or by either party furnishing 60 days prior written notice to the other.

Department of the Interior

[Signature]

Assistant Secretary of the Interior

Date MAY 15 1975

Marshals Service

U.S. Department of Justice

[Signature]

Date 6/17/75
This release, 446 DM 8, establishes a new chapter in Part 446 DM, Law Enforcement.

A key administrative process for evaluating any program is through periodic inspections. To assure that each Departmental law enforcement element is measured on the same basis a standardized policy and procedure is prescribed in this chapter.

Bureau directors with law enforcement responsibility will implement the provisions of this chapter, and promulgate any other related regulations consistent with this program.

Deputy Assistant Secretary of the Interior

FILING INSTRUCTIONS:

Remove: None

Insert:

446 DM 8 and Appendix 1
(6 sheets)
8.1 Purpose. This chapter prescribes the policy and procedures for staff inspection and evaluation of Departmental law enforcement programs. The guidelines set forth in this chapter will be used to maintain a continuing review and evaluation of all law enforcement programs. The program is designed to promote the effectiveness and efficiency of all Departmental law enforcement elements.

8.2 Policy. This Department will establish a standardized inspection program and maintain a continuing review and evaluation of existing law enforcement programs and operations.

8.3 Objectives. Inspection is a prime component of the overall system of internal management. Its effectiveness depends upon the objectivity and thoroughness of the inspection and the prompt and decisive actions taken as a result. The objectives of the program are to:

A. Examine an activity in detail to determine its effectiveness and efficiency.

B. Determine conformance with Departmental directives and policies.

C. Promote more efficient use of personnel and equipment.

D. Ascertain causative factors for deficiencies and make realistic recommendations substantiated by facts.

8.4 Scope. The scope of the inspection will be mission oriented to include a review of the entire system of management control of operations, administration, and resources. The inspection will include examination of the organization, manpower, operations, facilities, policies, programs, and procedures. Emphasis will be placed on the economical operation and efficiency of those elements.

8.5 Procedures. The Division of Enforcement and Security Management, AMC, is the staff function in the processes of planning, organizing, developing, coordinating, and evaluating law enforcement programs within the Department. Bureau law enforcement directors assume the same responsibilities within their organizations.

A. Departmental The Chief Dir. of Enforcement and Security Management, AMC, will direct and exercise direction over the inspection and evaluation function, and will:

(1) Provide internal assistance to law enforcement operations.
(2) Develop procedures and guidelines for proper implementation of 446 DM, Law Enforcement.

(3) Make periodic inspections and evaluations of bureau law enforcement programs. Inspection personnel will:

a. Confirm the date of the scheduled inspection with appropriate bureau personnel.

b. Insure that pertinent areas are reviewed and that all inspections have a common base. An inspection check list is attached as appendix 1.

c. Conduct an exit interview on his findings and recommendations.

d. Submit a written report to the Assistant Secretary for Policy, Budget, and Administration and bureau heads for required action.

e. Perform a follow-up inspection, if necessary, to ascertain if recommendations are being followed.

B. Bureau. Bureaus will establish an inspection capability and follow those procedures set forth in paragraphs 8.5A(1) through 8.5A(3)c. A written report of each inspection will be submitted to the Bureau Law Enforcement Director, with a copy to the Chief, Division of Enforcement and Security Management, AMO.
SECTION I

BUREAU VISIT CHECKLIST

When visiting with the bureau level enforcement people the following questions should be answered:

A. STAFF

1. What is the total number of employees on the enforcement staff?
   
   Authorized _________
   Assigned _________

2. How many professionals in the 1811, 1810, 083 levels? _________

3. How many administrative support employees? _____________________

4. By rough functional chart, show the relationship between the Chief Law Enforcement Officer, (LEO), intermediate supervisors, and the Bureau Director or Commissioner.

5. Obtain a copy of the functional chart, or indicate the functional breakdown within the staff, and reflect the number of enforcement employees assigned to each.

6. How many staff visits have been made to field units by the headquarters staff during the last 6 months? _________

7. Compare budget data for last year, this year, and projected for next year.

8. Has the Chief LEO, implemented 446 DM? Yes ____ No ____

9. Have specific directives been published for subjects peculiar to this bureau's operation, that are not covered in 446 DM? Yes ____ No ____

10. Is each field trip covered by a "Report of Visit"? Yes ____ No ____

11. Do field reports contain findings and recommendations re: implementation of 446 DM and other related directives? Yes ____ No ____

12. Has the Chief LEO disseminated the policy statements regarding the Freedom of Information Act and the Privacy Act? Yes ____ No ____

13. Does the Law Enforcement Officer monitor and/or consolidate the field budget request on enforcement programs? Yes ____ No ____

14. Does the Law Enforcement Officer have a voice in fund allocation of bureau? Yes ____ No ____

6/27/77 #1992
New
15. Is there an effective relationship between the Chief, Law Enforcement Officer and the Director? Yes ___ No ___

B. FIELD OPERATIONS

1. How many law enforcement positions are:

   Authorized ________

   Filled ________

2. For the past 5 years, i.e. 1971, 1972, 1973, etc., compare:
   a. Number of LEO's (total bureau-wide).
   b. Number of acres of land assigned to bureau.
   c. Population (resident/visitor serviced).
   d. Total crimes reported.
   e. Total non-enforcement services rendered.

6/27/77 #1992
New
SECTION II
(FIELD VISIT CHECKLIST)

A. ADMINISTRATION

1. How is the enforcement function organized?

2. What type jurisdictions exist for the facility or area?

3. What was the date of the last law enforcement visit to this facility from a higher echelon?

4. From what level did the enforcement visitor(s) come? (i.e. Region, Area, Bureau, etc.)

5. Is enforcement a full or part time duty?

6. How many employees are assigned to the administrative support function of the enforcement activity?

7. Compare budget request (amount) for last year against allocation; also for this year and projected for next year (3 double sets of figures).

<table>
<thead>
<tr>
<th>Budget Request</th>
<th>Allocation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Last Year</td>
<td>Current Year</td>
</tr>
</tbody>
</table>

8. Has 446 DM been implemented by written directive, or is it included in the written SOP's of the unit? ____ YES ____ NO

9. Has a favorable full field investigation been conducted on all law enforcement personnel. ____ YES ____ NO

10. Are all new enforcement applicants investigated prior to coming on board as a Federal employee? ____ YES ____ NO

11. Has instruction been published on the Freedom of Information Act/Privacy Act. ____ YES ____ NO

6/27/77 #1992
New -70-
B. RECORDS

1. Is it a requirement that all incidents, regardless of type, and magnitude be recorded?

2. Is there a record to reflect vehicle dispatch time and other action taken, in relation to the time that a notice of incident is received?

3. When it is necessary to detain and transport a female person apprehended by an enforcement officer is there a requirement for a recorded entry of this action?

4. Does the record reflect the tag number and description of the vehicles stopped by enforcement officers?

5. Is a report of incident prepared and forwarded on all incidents, or is there a discretionary review prior to preparation of incident reports?

6. How are incidents recorded?

C. ORGANIZATION

1. Make a rough sketch of the organizational chart, or obtain a copy (include with report).

2. Describe the chain of command.

3. To whom does the enforcement supervisor report?

4. What is the grade level of each?
D. **PERSONNEL**

1. How many positions are authorized in enforcement?

2. How many personnel are assigned?

3. Vacancies?

4. Summarize the background and qualifications of employees assigned to enforcement duties.

5. What is the source of active recruitment to fill vacancies?

6. Has any consideration been given for recruitment from criminal justice personnel? Yes ___ No ___

7. How many seasonal employees are/will be utilized:
   - Summer _________
   - Winter _________

8. Summarize seasonal employees background and average number of years service.

9. Is the "Code of Conduct" as contained in 446 DM 2 a matter of record and policy at this location? Yes ___ No ___

10. Are enforcement employees familiar with the Code? Yes ___ No ___

11. Make a sample review of several OPF's at the local level pertaining to enforcement employees. (Comments)

12. If your stay is long enough for you to be in contact with enforcement employees at every level, and sufficient number at the operating level, then summarize your evaluation of the esprit de corps of the unit. This evaluation can only be made, if you as the inspector, have had sufficient exposure. If you have not—do not answer.

6/27/77 #1992
New
13. Has a career ladder been developed, as required by 446 DM, to provide career incentives in law enforcement? Yes ___ No ___

E. TRAINING

1. Have all enforcement employees successfully completed the police or criminal investigator schools at FLETC? Yes ___ No ___

   If not, how many have not? ____________

2. Have those who have been on the force for over one year completed the annual 40 hours retraining course that is required annually? Yes ___ No ___

3. Is there a training program for supervisors? Yes ___ No ___ Prior to or after promotion?

F. OPERATIONS

1. How many persons are assigned to:
   a. the patrol section? _____
   b. investigation section? _____
   c. traffic section? _____
   d. other? _____

2. Identify the grade of the supervisor, and describe the chain of command between his/her lowest element and his/her span of control.

3. How many reliefs are utilized for a 24-hour period?

4. How many Law Enforcement Officers are on duty at 5 p.m.?

5. What is the ratio of manpower utilized for one 24-hour post (i.e. 4.6, 5.0, 5.5)?

6. Of the total personnel assigned to operations, how many are for administrative support (record keeping, equipment, and supply)?

7. Describe the size of the total area for patrol, the average length of a patrol zone, and any unusual problems.

6/27/92 #1992
New
8. From records and conversations, what is your estimate of the efficiency of enforcement service rendered to the public (lapsed time between receipt of notification and arrival on the scene)?

9. Comment on the appearance of all duty enforcement personnel, their uniforms, equipment, personal appearance, including cleanliness and neatness. Comment on the general attitude of enforcement employees in relation to their public contact.

10. Are present communications systems adequate?

11. Comment on your observation of radio discipline.

12. Are the standard 10 series codes used? Yes ___ No ___

13. Is there an adequate statistical system which will permit easy compilation and transmission of data for analysis and programming purposes? Yes ___ No ___

14. Is this accomplished only in "operations" or, is it fed from operations to the records division of the administration office?

15. Is there an emergency plan to deal with a situation other than what is considered normal, such as flooding, rock slides, explosions, etc.? Yes ___ No ___

16. Does the emergency plan include provision for calling on state and local authorities for emergency response and assistance in case of an incident beyond the capability of our local unit? Yes ___ No ___

Is there a coordinated assembly point? Yes ___ No ___

Is there a command post established? Yes ___ No ___

17. Describe the facility identified as a jail or detention cell.
18. When an individual is incarcerated, is there a written instruction, for those who may appear to be under influence of an intoxicant, unconscious, or in any way injured, to be first examined by a qualified medical doctor? Yes ___ No ___

19. When there is a person in detention, is there always a jailer present? Yes ___ No ___

20. Is the person being detained provided with the essential human needs/comforts? Yes ___ No ___

21. Is there separation between adults and juveniles, males and females? Yes ___ No ___

22. At the time an individual is being booked for detention are all personal items taken from their clothing, purse or person, carefully logged and secured? Yes ___ No ___

23. Is there a receipt system for the release of this material back to the person at a later time? Yes ___ No ___

24. Are health standards checked by medical authorities? Yes ___ No ___

25. What was the date of the last medical inspection of the holding facility?

26. Is there a female available to search female offenders prior to incarceration? Yes ___ No ___

27. Is the design of the facility such that all prisoners can be viewed from a central point by on-duty authorized personnel? Yes ___ No ___

G. EQUIPMENT

1. Are uniforms worn by enforcement personnel standardized? Yes ___ No ___

2. Is an enforcement person's uniform easily identifiable to the public, as compared to other employees at this location? Yes ___ No ___

3. Is the enforcement person (required) or (permitted) to bear arms? (cross out one)

4. Are they equipped with a baton and cuffs and mace (or similar device)? Yes ___ No ___

6/27/77 #1994
New
5. When performing enforcement duty is this employee equipped as required in 446 DM? Yes ____ No ____

6. How many motor vehicles are assigned to the operation function?
   a. sedans? ____
   b. station wagons? ____
   c. pickup trucks? ____
   d. motorcycles? ____
   e. scooters? ____
   f. others? ____

7. Are these vehicles readily identified as law enforcement vehicles? Yes ____ No ____

8. Are they equipped with a siren, communications, emergency lights, and first aid kits? Yes ____ No ____

9. Inspect several vehicles by random sampling. Check the condition of the vehicle, considering its need for instant response and determine the quality and frequency of maintenance.

10. Are there proper maintenance schedules and records? Yes ____ No ____

11. Identify the number of weapons available for law enforcement personnel.

12. Is there a record available indicating that each employee is "qualified" with the type weapons assigned? Yes ____ No ____

13. What calibre weapons are assigned (i.e. ___ .22, ___ .38, ___ .45, ___ .357, _______ other)?

14. Has each employee completed at least the minimum required training and proficiency testing? Yes ____ No ____

15. Comment on age and condition of hand guns.
16. Have all employees fired at least a familiarization course with other available weapons? Yes ___ No ___

Is it recorded? Yes ___ No ___

17. Is there a schedule for semi/annual firearms proficiency testing and proper records thereof? Yes ___ No ___

18. What is the policy regarding the use and display of weapons while on duty?

19. Are there written guidelines re: Weapons? Yes ___ No ___

If yes, obtain a copy and include with your report.

H. INTRA/INTER-AGENCY RELATIONSHIPS

1. Do good relations exist with nearby law enforcement officers and agencies? Yes ___ No ___

2. Are Department Officers deputized? Yes ___ No ___

How many--State _____, County _____?

All inspections should be concluded with an exit interview with appropriate personnel of unit inspected.
EXPLANATION OF MATERIAL TRANSMITTED:

This release, 446 DM 10, establishes a new chapter in Part 446 DM, Law Enforcement.

It is to provide guidance on equipment standardization to all bureaus and offices with a law enforcement function. In the interest of flexibility, interchangeability, and economy, the requirements on certain basic items are set forth in a manner which will not hamper a bureau or office from deviating according to their needs.

Bureau and office directors with law enforcement responsibility will implement the provisions of 446 DM 10, and promulgate any other regulations consistent with their law enforcement program.

Deputy Assistant Secretary of the Interior

FILING INSTRUCTIONS:

Remove: None

Insert:

446 DM 10
(2 sheets)
10.1 Purpose. To provide guidance to all bureaus and offices with law enforcement responsibilities within the Department of the Interior for the standardization and utilization of equipment used in the performance of those duties.

10.2 Policy. All items of equipment applicable to the law enforcement activities of bureaus and offices will be standardized to insure maximum flexibility, interchangeability, and economy.

10.3 Uniforms. The design, material, color, style, and wearing of the uniform is at the discretion of each bureau. The uniform, when worn, will be standardized within the organization and display distinctive identification to insure that those involved in law enforcement are easily recognized by the general public.

10.4 Vehicles.

A. Each motor vehicle acquired will be limited to the minimum body and engine size necessary to fulfill the operational need for which that vehicle is to be used. Designated law enforcement vehicles such as sedans, station wagons, and motorcycles will be equipped as required to meet the needs of a bureau. Special equipment such as four wheel drive vehicles are authorized within the bureau or office according to need.

B. Periodic maintenance and allied records will be the responsibility of the bureau. Centralized, decentralized, or contractual maintenance will be at the discretion of the bureau in conformance with their law enforcement program. Each vehicle operator will assure that all mechanical, safety, and special equipment is operational at all times. Any deficiencies will be immediately corrected or reported through channels for repair or replacement.

10.5 Defensive Equipment. The following standards are established for routine enforcement services. Bureaus may deviate from these standards when unique circumstances warrant use of other specialized equipment.

A. Handguns.

(1) Each agency may issue or authorize the purchase of weapons conforming to their specifications.

(2) No firearm other than Government issue will be carried while on official duty except upon written authorization from the
agency head. Such authorization, the firearm serial number, and a description of the handgun will be recorded in the personnel file of the officer to whom such authorization is given. No revolver or pistol smaller than a .38 caliber is authorized. Such weapon must conform to the agency firearm specifications and the individual must qualify with the handgun.

B. Shotguns. American manufactured, 12 gauge, riot type with rifle sights, 18-20 inch barrel, with twin action slide bar.

C. Rifles. American manufactured, the make, model, and caliber to be determined by the needs of the bureau.

D. Ammunition.

(1) Revolver - for service use only commercial manufactured cartridges will be used. The bullet weight and style will be at the discretion of the bureau according to need.

(2) Shotgun - No. 4 to 00 buckshot or rifle slug, plastic cased and color coded for type of shot, to be distributed according to need.

E. Chemical Agents.

(1) Liquid CN (teargas spray), or liquid CS (irritant agent spray).

(2) Teargas and smoke grenades.

F. Batons.

(1) Regular police baton, 23-26 inch plain hardwood style.

(2) Riot baton, 30-36 inch plain hardwood style.

G. Restraining Devices - American manufactured only.

(1) Handcuffs - commercial police type with standard double lock, nickel or chrome finish.

(2) Plastic disposable cuffs.

(3) Leg irons - standard police type.

(4) Restraining belts - standard police type, leather or chain with metal D ring.
H. Safety Helmets.

(1) Riot - police type, with face shield suitable in all weather conditions. At least equal to Topex General Duty Helmet.

(2) Motorcycle will meet Federal specifications and be issued by the bureau or agency.

I. Individual Issue. As a minimum, the following equipment will be standard issue to all law enforcement personnel:

(1) Hand gun.

(2) Holster and belt unit.

(3) Ammunition pouch(s).

(4) Handcuffs and case.

(5) Baton.

(6) Badge, gun, or credentials.
Section 5
Scoyen Memorandum
April 11, 1956
April 11, 1956

Memorandum

To: Washington Office and All Field Offices

From: Acting Director

Subject: Authority for Park Rangers to Serve Warrants

The field officials attending the PUBLIC SERVICES Conference at Great Smoky Mountains National Park last September recommended that the Attorney General, through appropriate channels, be requested for a "clear-cut" decision relating to the authority of Park Rangers to serve warrants.

The Solicitor's Office has informed us that legislation will be required to authorize Park Rangers to serve warrants. That Office points out the Federal Rules of Criminal Procedure (Rule 4)(c)(1), provides that warrants (of arrests) shall be executed by a Marshal or some other officer authorized by law, and that only U. S. Marshals and their deputies, United States Secret Service, certain officials of the Federal Bureau of Investigation, employees authorized by the Secretary of the Interior to enforce 18 U.S.C., sections 43 and 44, relating to the transportation or importation of wild animals or birds in violation of State, national, or foreign laws, and the Chief Special Officer for the suppression of the liquor traffic among Indians and duly authorized officers working under his supervision now have express statutory authority to serve warrants.

The Solicitor's Office also states that a study of the legislative history of the Act of February 6, 1905 (33 Stat. 700; 16 U.S.C., sec. 10), leads it to conclude that the Congress did not intend to include authority to serve warrants when it authorized employees of the National Park Service to make arrests. That Office points out that the need for legislation to authorize the service of criminal process by Park Rangers has long been recognized. That Office has been requested to draft a bill for submission to the Department of Justice for comment prior to initiating steps toward its introduction in the Congress.

/s/ E. T. Scoyen
Acting Director
Section 6

Briggle Memorandum

April 15, 1977
United States Department of the Interior

NATIONAL PARK SERVICE
WASHINGTON, D.C. 20240

APR 15 1977

Memorandum

To: All Regional Directors

From: [Redacted]

Subject: Enforcement of Federal Criminal Statutes in Areas of Proprietary Jurisdiction

Public Law 94-458 (Authorities Bill) enacted October 7, 1976, provides that a designated law enforcement officer or employee may:

"make arrests without warrant for any offense against the United States committed in his presence, or for any felony cognizable under the laws of the United States if he has reasonable grounds to believe that the person to be arrested has committed or is committing such felony, provided such arrests occur within that system (National Park System) or the person to be arrested is fleeing therefrom to avoid arrest."

In areas of exclusive or concurrent Federal legislative jurisdiction, which come within the definition of Special Maritime and Territorial Jurisdiction of the United States, as defined in 18 U.S.C. 7, all appropriate Federal and State laws may be enforced under the provisions of the Assimilative Crimes Act, 18 U.S.C. 13. However, in areas with proprietary jurisdiction, only certain Federal laws may be enforced. Basically, these are those Federal laws which, if violated, constitute Federal offenses anywhere in the United States, regardless of property ownership or jurisdiction. For example, it is a violation of 21 U.S.C. 841(a) for any person knowingly or intentionally to manufacture, distribute or dispense a controlled substance (which includes marijuana, heroin or other narcotics). This is a violation in any area, regardless of the type of jurisdiction. Therefore, an officer or employee designated as a law enforcement officer for the Service may make such an arrest in an area of proprietary jurisdiction.

Law enforcement officers working in areas with proprietary jurisdiction should become familiar with those provisions of the U.S. Code which are enforceable regardless of the location of an offense.
They should not hesitate to seek the advice of appropriate regional personnel on these issues. We wish to emphasize that those Federal law enforcement agencies having primary investigative responsibility for the particular offenses listed will continue to investigate such offenses. When a NPS law enforcement officer finds it appropriate to make an arrest, he will ordinarily notify the appropriate agency having primary investigative responsibility for the offense involved so that it might assume responsibility for the case. There is no change in this policy.

Wilkie J. Brigg
Section 7

Finley Report

A Review of the Constitutional and Statutory Authorities for the National Park Service to Implement Law Enforcement Programs for the Protection of Persons and Property
A Review of the Constitutional and Statutory Authorities for the National Park Service to Implement Law Enforcement Programs for the Protection of Persons and Property


Prepared By:

Michael Finley
Staff Park Ranger
National Park Service
Washington, D.C.
August 16, 1978
General Comments


The paper questions the constitutional and statutory authority for the United States to exercise criminal jurisdiction over crimes against the person on lands not held under the exclusive jurisdiction of the United States. Mr. Beers supports the view that under present authorities and policies, the National Park Service and Fish and Wildlife Service have no constitutional or statutory authority to enforce crimes against the person. (The authority of the Fish and Wildlife Service will not be discussed in this paper.) A distinction should be made between existing authorities and the vehicles available to implement that authority. While Mr. Beers is correct in his appraisal of the existing vehicles available to implement existing authorities, I believe he has taken a narrow view of both the constitutional and statutory authorities providing for Federal enforcement of crimes against the person on Federal lands in Alaska or the coterminous United States, regardless of jurisdiction.

Constitutional Authorities

Traditionally, the jurisdiction exercised by the Federal Government has been based upon the various authorities enumerated in the
Constitution. Article 1, Section 8 has provided the major basis of Federal law enforcement action:

1. "to regulate interstate commerce . . .".

2. "to provide for punishment of counterfeiting . . .".

3. "to exercise exclusive legislation in all cases whatsoever, over such district . . . as may become the seat of government . . . and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be for the function of forts, magazines, arsenals, dockyards and other . . .".

4. "to provide for the general welfare".

5. "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers vested by the Constitution in the government of the United States or in any department or offices thereof."

The above represent some of the basis upon which Federal jurisdiction may be exercised. The authorization for the National Park System could best be supported by the provision: "to provide for the general welfare".

Law enforcement activities in the NPS have historically been based on the following constitutional provisions:

1. "to exercise exclusive legislation in all cases whatsoever, over such district . . . as may become the seat of government . . . and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be for the function of forts, magazines, arsenals, dockyards and other . . .".

2. "to make all laws which shall be necessary and proper for carrying into execution the foregoing
powers vested by the Constitution in the government of the United States or in any department or offices thereof."

The terms exclusive, partial, and concurrent describe the degree of legislative jurisdiction which the United States exercises over any given territory, interest or property.

On Federal lands in which the Federal government has not retained legislative jurisdiction, or in which a State has not ceded a degree of legislative jurisdiction, the United States holds a proprietary interest. It is this proprietary interest which is directly at point with the Alaska lands and most lands managed by the National Park Service in the coterminous United States.

Proprietary interest, as compared to legislative jurisdiction, has traditionally been viewed as a weaker jurisdictional status upon which to implement Federal programs. This limitation is based upon statutory restriction rather than constitutional authority. Presently, the ability to enforce existing Federal statutes, or assimilate State statutes, regulating crimes against the person is limited by the definition of Section 7, of Title 18 of the United States Code. These offenses are only applicable in areas in which the United States has reserved or acquired exclusive or concurrent legislative jurisdiction. In areas in which the United States has acquired a proprietal interest through ownership, the authority of Article 4, Section 3 of the U.S. Constitution, provides the
Congress all the authority needed to administer the public lands, and provide for the protection of people and property. Article 4, Section 3, reads as follows:

"The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be construed as to prejudice any claims of the United States or of any particular State."

The above clause, known as the property clause, represents the constitutional authority for congressional legislation regardless of jurisdiction. On June 17, 1976, in Kleppe v. New Mexico, the U.S. Supreme Court unanimously upheld the constitutionality of the Wild Free-Roaming Horses and Burros Act. Directly at issue was the authority of Congress to legislate under the authority of the property clause.

The following are applicable excerpts from the opinion of a unanimous court: Kleppe v. New Mexico, 426 U.S. 529 (1976).

"And while the furthest reaches of the power granted by the property clause have not yet been definitely resolved, we have repeatedly observed that the power over the public lands thus entrusted to Congress is without limitations" (emphasis added).

"It is the property clause, for instance, that provides the basis for governing the territories of the United States."

"And even over the public lands within the States the general Government, doubtless, has a power over its own property analogous to the police power of the several states and the extent to which it may go in the exercise of such power is measured by the exigencies of the particular case" (emphasis added).
"And we have approved legislation respecting the public lands if it be found necessary for the protection of the public . . .".

"In short Congress exercises the power's both of a proprietor and of a legislature over the public domain."

"Although the property clause does not authorize "an exercise of general control over public policy in a State," it does permit "an exercise of the complete power which Congress has over particular public property entrusted to it."

"But while Congress can acquire exclusive or partial jurisdiction over lands within a State by the State's consent or cession, the presence or absence of such jurisdiction has nothing to do with Congress' powers under the property clause. Absent consent or cession a State undoubtedly retains jurisdiction over Federal lands within its territory, but Congress equally surely retains the power to enact legislation respecting those lands pursuant to the property clause" (emphasis added).

Considering the above Supreme Court opinion, I think a strong case can be made for Federal enforcement of crimes against the person, based on the property clause.

STATUTORY AUTHORITY

The authority for the National Park Service to implement Federal programs is found in both the general legislation applicable to the System as a whole and the specific legislation establishing a new area within that system. The question at issue is, "Does the National Park Service have statutory authority to enforce Federal statutes prohibiting crimes against the person?"
believe the answer is clearly stated in the excerpts presented below.

"In addition to any other authority conferred by law, the Secretary of the Interior is authorized to designate, pursuant to standards prescribed in regulations by the Secretary, certain officers or employees of the Department of the Interior who shall maintain law and order and protect persons and property within areas of the National Park System" (emphasis added). Act of October 7, 1976, (90 Stat. 1941) 16 U.S.C., la-6)

The statement "maintain law and order and protect persons and property" is a clear statutory mandate to regulate human behavior and enforce crimes against the person. The same section provides that those employees designated by the Secretary:

"carry firearms and make arrests without warrant for any offense committed in his presence, or for any felony cognizable under the laws of the United States . . .".

The type of offenses were not qualified or restricted to natural resource violations but rather the word "any" addresses itself to all offenses including crimes against the person.

Further authority for the Secretary to regulate human behavior is found in Title 16 of the United States Code, Section 3.

"The Secretary of the Interior shall make and publish such rules and regulations as he may deem necessary for the proper use and management of the parks, monuments and reservations under the jurisdiction of the National Park Service . . .".

The above authority does not provide specific authorization for the Secretary to promulgate rules regulating human conduct,
however, a strong argument can be made that these regulations are authorized if deemed necessary by the Secretary.

**Congressional Policy Direction**

Congress has provided the National Park Service with policy direction with regard to law enforcement programs and jurisdictional status as it relates to crimes against people and property. Senate Report No. 94-1190, dated August 27, 1976, accompanying Senate Bill 3430, amending the Act providing for improvement in the National Park System, states that the purpose of the Act is to clarify and amplify specific authorities granted by the National Park Service Organic Act of 1916. The following excerpts have been taken from the Senate report concerning the exercise of law enforcement programs and jurisdiction.

"It will be the responsibility of Congress, in reviewing the proposed relinquishments submitted by the Secretary, to be assured that State authorities will be fully and responsibly undertaken and that National Park Service responsibility for protection of park resources and visitor safety will not be diminished."

"The general authority which the National Park Service now has to protect persons and property within the National Park System is not sufficiently clear to allow for effective law enforcement in the National Park System . . ." (emphasis added).

"In order to eliminate possible uncertainties relating to law enforcement activities in the National Park System, all existing law enforcement authorities will be replaced with a clear mandate authorizing designated
employees performing law enforcement functions within
the system to bear firearms; enforce all Federal laws
including serious criminal violations as well as
misdemeanors applying specifically to parks; execute
process; and investigate offenses" (emphasis added).

The House Report, dated September 16, 1976, accompanying
H.R. 11887 to amend the Act approved August 18, 1970, providing for
improvement in the administration of the National Park System,
provides the following insight into Congressional intent.

"The Committee intends that the clear and specific
enforcement authority contained in this subsection,
while necessary for the protection of the Federal
employees so involved, will be implemented by the
Secretary, to ensure that law enforcement activi­
ties in our National Park System will continue to
be viewed as one function of a broad program of
visitor and resource protection."

"Law enforcement duties should be a function of the
National Park ranger, along with a diversity of
other protection concerns." 

"The authorities provided to the Secretary to enter
into cooperative agreements as provided in this
subsection are to be supplemental to the law
enforcement responsibilities of the National Park
Service and are not intended to authorize the
deligation of permanent enforcement responsibilities
to any State or local agency."

Congress had mandated that the Secretary of the Interior pursue the
establishment of concurrent legislative jurisdiction within units of the
National Park System. The Act of October 7, 1976, (90 Stat. 1941,
16 U.S.C. § 1a-3) provides that:

"The Secretary shall diligently pursue the consum­
mation of arrangements with each State, commonwealth
Territory, or possession within which a unit of the National Park System is located to the end that insofar as practicable the United States shall exercise concurrent legislative jurisdiction within units of the National Park System."

Discussion

This paper has been prepared to provide an abbreviated overview of the constitutional and statutory authorities that mandate National Park Service involvement in the protection of persons and property. In addition, congressional policy direction as expressed in statutory law and committee reports has been presented in excerpt form. I believe that an examination of the preceding material will support the conclusion that Congress has the constitutional authority under the property clause to direct the National Park Service to enforce crimes against the person on Federal lands regardless of jurisdiction. In his report of August 1, 1978, Mr. Beers makes the following statement that is later developed as a major theme.

"Since the land, resources, people, roads, and buildings are under the control of the State, except for specified Federal interests such as National resources and Federal buildings, we must ask ourselves what are the specified Federal interests. The answer to that is the Federal statutes which direct the Secretary of Interior to manage, conserve and protect such things as minerals, timber, wildlife, reclamation facilities, etc. It should be noted that nowhere, to my knowledge, is the Secretary of either Interior or Agriculture (our sister resource land managing department) given the task or authority to regulate or control human activities which do not jeopardize the Federal interest, to wit, managing, preserving, etc., the natural resources. Indeed, the Congress
does not have the power to grant such power to any Federal official without the express permission of the State. Such permission would be either a formal ceding of jurisdiction for a particular area in a particular state (thereby granting us concurrent authority) or deputization of certain federal officials by the State or local jurisdiction to enforce their laws as one of their own officers."

I believe a strong case has been made to counter the above interpretation offered by Mr. Beers. While I agree with Mr. Beers that presently the law enforcement tools available to Federal officers on lands held in proprietary interest are limited, these limitations are statutory limitations imposed by 18 U.S.C., § 7, which provides in pertinent part:

"§ 7. Special maritime and territorial jurisdiction of the United States defined

The term "special maritime and territorial jurisdiction of the United States", as used in this title, includes:

(3) Any lands reserved or acquired for the use of the United States, and under the exclusive or concurrent jurisdiction thereof, or any place purchased or otherwise acquired by the United States by consent of the legislature of the State in which the same shall be, for the . . .".

These statutory limitations are based on the constitutional principle of legislative jurisdiction that is either reserved or acquired by cession from a particular State under the terms of Article I, Section 8, Clause 17 (legislative jurisdiction). An independent constitutional authority is found in Article 4, Section 3, Clause 2 (the property clause). I recommend that the above Section 7 of Title 18 of
the United States Code be amended to include lands administered by
the National Park Service. This would place lands in which the
United States holds a proprietorial interest within the definition
of maritime and territorial jurisdiction of the United States as defined
by 18 U.S.C. § 7. Placing these lands within the maritime and ter-
ritorial jurisdiction of the United States provides for the
following:

1. Makes the Federal criminal statutes that prohibit
misconduct against people or property applicable on National Park
Service lands regardless of jurisdiction.

The Federal Criminal Statutes that define the crimes of arson,
rape, theft, receipt of stolen property, destruction of property,
robbery, maiming, assault, murder and maiming do not, under present law,
apply to Federal land unless it is held under exclusive or concurrent
jurisdiction.

2. Provide for the use of the Assimilative Crimes Act (18
U.S.C. § 13) which adapts, as Federal law, certain criminal statutes
of the State where the Federal land is situated.

3. Eliminates the need for Federal employees to become deputy
sheriffs and enforce State laws prohibiting the described activity.

This is not a new approach but rather was proposed by the
Comptroller General of the United States in his report of June 21,
1977 on "Crime in Federal Recreation Areas." Pertinent parts of
that report are attached as supplementary material.
Recommendations

1. The National Park Service comply with the intent of the Act of October 7, 1976 (90 Stat. 1941, 16 U.S.C. 1a-3) and diligently pursue the establishment of concurrent legislative jurisdiction within units of the National Park System both in Alaska and the coterminous United States.

Discussion

Concurrent jurisdiction represents a partnership between the United States and a State in the administration and management of a Federal reservation. The following principles would generally apply to areas of concurrent jurisdiction.

a. The United States and a State jointly hold and exercise all the rights accorded a sovereign with the broad qualification that such authority is held concurrently. Both State and Federal criminal codes apply to concurrent lands and both State and Federal officials may enforce their respective codes.

b. It is the parallel right of both the State and the Federal Government to legislate with respect to such land and persons residing or present on it. Federal interests are protected by the supremacy clause of the U.S. Constitution (Article 6).

c. Throughout the United States, and Alaska in particular, the remoteness and isolation of National Parks necessitates close cooperation and mutual support between the Federal agencies and
the States. Rather than view the concurrent ability of State and Federal officers to protect persons and property as a duplication of effort, we should view it as a maximum utilization of resources that are already stretched.

Presently, isolation requires that Ranger personnel be skilled in emergency medical techniques, fire suppression, rescue and law enforcement. These skills are necessary to respond to the needs of the visiting public immediately as they occur. It is unrealistic to rely on emergency services that may be delayed by weather or other urgent circumstances when the task at hand cannot be delayed.

2. In addition to, or in lieu of the establishment of concurrent legislative jurisdiction, the National Park Service should pursue an amendment to 18 U.S.C. § 7. This would allow enforcement of the Federal Criminal Code as discussed above.

I have limited my discussion to units of the National Park System. However, Section 7 could be amended to include refuge lands. If amended, this provision should not be limited to Alaska, but of general application throughout the United States.

I would suggest that as part of the Alaska legislation to implement the Federal programs:

Section 7, Title 18 of the United States Code be amended by the addition of a new paragraph (6).
18 U.S.C. § 7

* * * * * *

(6) All Federal lands within units of the National Park System.

I believe either of the above suggestions would achieve the same result: a partnership between the United States and the States in the protection of persons and property within units of the National Park System.
Explanatory note

The limitations of existing Federal enforcement authorizations have led many administering agency employees to make arrests as private citizens or as deputy sheriffs. Occasionally, the administering agency itself instructs employees to engage in these practices. In other cases, the administering agency, recognizing the limitations of its statutory enforcement authority, prohibits enforcement activities not expressly authorized by Federal statute. Under this latter approach, agency employees do little in the way of providing visitor protection services. On the basis of our review of administering agency enforcement practices, we believe congressional action is necessary to ensure that an administering agency and its enforcement officers have a clear and sufficient Federal statutory basis with which to provide an adequate level of enforcement services to visitors.

Enactment of this recommendation would authorize designated administering agency officials to enforce, within certain geographical limitations, all Federal laws governing the conduct of visitors. This recommendation reflects our view that Federal agencies desiring to conduct enforcement operations in the name of the Federal Government look to the Congress for the necessary authority.

Recommendation for legislation:

--Applying the Federal criminal statutes that define the crimes of arson, assault, maiming, murder, manslaughter, rape, carnal knowledge, receipt of stolen property, destruction of property, theft, robbery, and burglary and the Assimilative Crimes Act (which adopts, as Federal law, the criminal code of the State where the Federal land is situated) to all Federal lands administered by the National Park Service, Bureau of Land Management, Fish and Wildlife Service of the Department of Interior, Forest Service of the Department of Agriculture, U.S. Army Corps of Engineers and Tennessee Valley Authority.

Explanatory note

The above Federal criminal statutes that criminalize misconduct against the persons or property of visitors do not, under present law, apply to all Federal land. Although these laws do apply to Federal lands held in a concurrent or exclusive jurisdictional status, the majority of Federal
land is held in a proprietorial interest status where Federal laws proscribing misconduct against the persons or property of visitors usually do not apply and, hence, are unenforceable.

Recently, the Supreme Court recognized that, irrespective of the jurisdictional status in which Federal land is held (exclusive, concurrent or proprietorial), the Congress may exercise its authority under the Property Clause of the Constitution and enact legislation respecting Federal land "* * *[i]f it be found necessary for the protection of the public* * *." Kleppe v. New Mexico, 426 U.S. 529 (1976); See also U.S. v. Brown, Criminal No. 5-76-10 (D. Minn., filed Nov. 4, 1976).

Enactment of this recommendation would give Federal officials, acting under appropriate statutory authority, a Federal law to enforce when confronted with misconduct against visitors or their property on proprietorial lands. This would obviate the need for administering agency enforcement officers to become deputy sheriffs and enforce similar State laws prohibiting the described types of criminal activity. The recommendation would not affect the authority of State and local law enforcement agencies to make arrests under the applicable State criminal code on proprietorial lands.

Recommendation for legislation:

--Authorizing the Secretaries, and the Board of Directors, Tennessee Valley Authority, where practical, to make arrangements with States to place administering agency land in a concurrent jurisdictional status.

Explanatory note

When Federal land is held in a concurrent jurisdictional status, both Federal and State criminal codes apply and law enforcement officers of each, acting under appropriate statutory authority, may enforce their sovereign's criminal laws. On lands held in an exclusive jurisdictional status, Federal, not State, criminal laws apply. And on lands held in a proprietorial status, State criminal laws apply. Many Federal criminal statutes, especially those proscribing misconduct against the persons or property of visitors, do not, under present law, apply to proprietorial lands.
Recommendation for legislation:

--Authorizing the Secretaries of Agriculture, the Army, the Interior, and the Board of Directors, Tennessee Valley Authority, to cooperate with any State in the enforcement of State laws by providing reasonable reimbursement, where appropriate, to a State or its political subdivisions for expenditures connected with the provision of enforcement services on Federal lands.

Explanatory note

State criminal laws only apply on Federal lands held in a proprietorial or concurrent jurisdictional status, and it is to State enforcement operations on these lands that the recommendation is addressed. Because Federal land is not ordinarily included on State and local property tax rolls, the object of the recommendation is to provide reasonable offsetting compensation not otherwise available to a State or locality for expenditures they incur while enforcing State laws on federally owned property. The recommendation does not apply to Federal lands held in an exclusive jurisdictional status where State criminal laws are generally inapplicable. Where the recommendation does apply, it neither contemplates the delegation of Federal law enforcement responsibilities to State and local governments nor the procurement of deputy sheriff commissions by administering agency enforcement officials.

We point out that FS, NPS, the Corps, and BLM are already authorized to reimburse States and localities for certain enforcement services rendered on Federal land. However, the authorizations applicable to these agencies are dissimilar and contemplate reimbursement for differing types of State and local enforcement services.

For example, FS is authorized to reimburse States and localities for unspecified services rendered in connection with the enforcement of State laws on Federal land. According to FS, reimbursement is provided for "extraordinary" State and local services rather than for "normal" services.

NPS, on the other hand, may appoint local officials as special policemen with the authority to enforce the entire Federal criminal code. States and localities may be reimbursed for services rendered by these special policemen. However, the NPS authorization contains no specific provision authorizing reimbursement to States and localities for
expenditures they incur in connection with the enforcement of State laws on Federal land.

The Corps authorization permits the Secretary of the Army, acting through the Corps Chief of Engineers, to contract with local officials for the provision of unspecified "increased law enforcement services." This authorization is silent whether local officials under contract with the Army may enforce the Federal as well as the applicable State criminal code.

BLM's authorization requires the Secretary of the Interior to try to achieve "maximum feasible reliance" on local officials to enforce Federal laws relating to the "public lands or their resources." To this end, the Secretary of the Interior may contract with localities to obtain the necessary enforcement services. In addition, States and localities may be reimbursed for expenditures they incur in connection with activities that assist in the use and occupancy of BLM land.

Enactment of this recommendation would make uniform the circumstances in which the Secretaries of the administering agencies could reimburse States and localities for services rendered in connection with enforcement of State and local laws on Federal land. The responsibility for enforcing Federal visitor protection laws is left principally to Federal agencies. For this reason, the recommendation does not consider the enforcement of the Federal criminal statutes that prohibit misconduct against visitors or their property a contractually reimbursable service.