§ 373. General authority of Secretary of the Interior

The Secretary of the Interior is authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying out the provisions of this Act into full force and effect.

(June 17, 1902, ch. 1093, § 10, 32 Stat. 390; Aug. 13, 1914, ch. 247, § 15, 38 Stat. 690.)

REFERENCES IN TEXT

This Act, referred to in text, refers both to act June 17, 1902, popularly known as the Reclamation Act, and to act Aug. 13, 1914. See Codification note set out below. For classification of act June 17, 1902 to the Code, see Short Title note set out under section 371 of this title and Tables. Act Aug. 13, 1914, is classified to sections 373, 414, 418, 435 to 437, 440, 443, 464, 465, 469, 471, 472, 475, 477 to 481, 492, 493, 494 to 497, and 499 of this title.

CODIFICATION

Act Aug. 13, 1914, cited as a credit to this section, did not amend act July 17, 1902, but contained identical provisions.

SECTION AS UNAFFECTED BY SUBMERGED LANDS ACT

Provisions of this section as not amended, modified or repealed by the Submerged Lands Act, see section 1303 of this title.

§ 373a. Commissioner of Reclamation; appointment

Under the supervision and direction of the Secretary of the Interior, the reclamation of arid lands, under the Act of June 17, 1902, and Acts amendatory thereof and supplementary thereto, shall be administered by a Commissioner of Reclamation who shall be appointed by the President by and with the advice and consent of the Senate.

(May 26, 1926, ch. 401, 44 Stat. 657; Pub. L. 97–293, title II, § 229, Oct. 12, 1982, 96 Stat. 1274.)

REFERENCES IN TEXT

Act of June 17, 1902, referred to in text, is act June 17, 1902, ch. 1093, 32 Stat. 388, as amended, popularly known as the Reclamation Act, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables.

CODIFICATION

Provisions of this section which prescribed the basic compensation of Commissioner were omitted to conform to the provisions of the Executive Schedule. See section 5316 of Title 5, Government Organization and Employees.

AMENDMENTS

1982—Pub. L. 97–293 inserted requirement that Commissioner of Reclamation be appointed by and with advice and consent of Senate.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

USE OF PRIVATE SECTOR

Pub. L. 108–7, div. D, title II, § 208, Feb. 20, 2003, 117 Stat. 146, provided that: ''The Commissioner of the Bureau of Reclamation is directed to increase the use of the private sector in performing planning, engineering and design work for Bureau of Reclamation projects to 10 percent in fiscal year 2003, and in each subsequent year until the level of work is at least 40 percent for the planning, engineering and design work conducted by the Bureau of Reclamation.''

COMPENSATION OF COMMISSIONER

Compensation of Commissioner, see section 5316 of Title 5, Government Organization and Employees.

§ 373a–1. Repealed. Pub. L. 88–426, title III, § 305(35), Aug. 14, 1964, 78 Stat. 426

Section, Pub. L. 87–880, title II, § 200, Oct. 24, 1962, 76 Stat. 1223, prescribed compensation of Commissioner of Reclamation. See section 5316 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF REPEAL

Repeal effective on first day of first pay period which begins on or after July 1, 1964, see section 501 of Pub. L. 88–426.

§ 373b. Law enforcement authority at Bureau of Reclamation facilities

(a) Public safety regulations

The Secretary of the Interior shall issue regulations necessary to maintain law and order and protect persons and property within Reclamation projects and on Reclamation lands.

(b) Violations; criminal penalties

Any person who knowingly and willfully violates any regulation issued under subsection (a) of this section shall be fined under chapter 227, subchapter C of title 18, imprisoned for not more than 6 months, or both. Any person charged with a violation of a regulation issued under subsection (a) of this section may be tried and sentenced by any United States magistrate judge designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions and limitations as provided for in section 3401 of title 18.

(c) Authorization of law enforcement officers

The Secretary of the Interior may—

(1) authorize law enforcement personnel from the Department of the Interior to act as law enforcement officers to enforce Federal laws and regulations within a Reclamation project or on Reclamation lands;

(2) authorize law enforcement personnel of any other Federal agency that has law enforcement authority (with the exception of the Department of Defense) or law enforcement personnel of any State or local government, including an Indian tribe, when deemed economical and in the public interest, through cooperative agreement or contract, to act as law enforcement officers to enforce Federal laws and regulations within a Reclamation project or on Reclamation lands with such enforcement powers as may be so assigned to them by the Secretary;

(3) cooperate with any State or local government, including an Indian tribe, in the enforcement of the laws or ordinances of that State or local government; and

(4) provide reimbursement to a State or local government, including an Indian tribe,

for expenditures incurred in connection with activities under paragraph (2).

(d) Powers of law enforcement officers

A law enforcement officer authorized by the Secretary of the Interior under subsection (c) of this section may—

(1) carry firearms within a Reclamation project or on Reclamation lands;

(2) make arrests without warrants for—

(A) any offense against the United States committed in his presence; or

(B) any felony cognizable under the laws of the United States if he has—

(i) reasonable grounds to believe that the person to be arrested has committed or is committing such a felony; and

(ii) such arrest occurs within a Reclamation project or on Reclamation lands or the person to be arrested is fleeing therefrom to avoid arrest;

(3) execute within a Reclamation project or on Reclamation lands 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 for any offense committed within a Reclamation project or on Reclamation lands; and

(4) conduct investigations within a Reclamation project or on Reclamation lands of offenses against the United States committed within a Reclamation project or on Reclamation lands if the Federal law enforcement agency having investigative jurisdiction over the offense committed declines to investigate the offense.

(e) Legal status of State or local law enforcement officers

(1) State or local officers not Federal employees

Except as otherwise provided in this section, a law enforcement officer of any State or local government, including an Indian tribe, authorized to act as a law enforcement officer under subsection (c) of this section shall not be deemed to be a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, employment discrimination, leave, unemployment compensation, and Federal benefits.

(2) Application of Federal Tort Claims Act

For purposes of chapter 171 of title 28 (commonly known as the Federal Tort Claims Act), a law enforcement officer of any State or local government, including an Indian tribe, shall, when acting as a law enforcement officer under subsection (c) of this section and while under Federal supervision and control, and only when carrying out Federal law enforcement responsibilities, be considered a Federal employee.

(3) Availability of workers compensation

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 local government, including an Indian tribe, shall, when acting as a law enforcement officer under subsection (c) of this section and while under Federal supervision and control, and only when carrying out Federal law enforcement responsibilities, 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. Benefits under such subchapter shall be reduced by the amount of any entitlement to State or local workers compensation benefits arising out of the same injury or death.

(f) Concurrent jurisdiction

Nothing in this section shall be construed or applied to limit or restrict the investigative jurisdiction of any Federal law enforcement agency, or to affect any existing right of a State or local government, including an Indian tribe, to exercise civil and criminal jurisdiction within a Reclamation project or on Reclamation lands.

(g) Regulations

Except for the authority provided in section 2(c)(1),[1] the law enforcement authorities provided for in this section may be exercised only pursuant to regulations issued by the Secretary of the Interior and approved by the Attorney General.

(Pub. L. 107–69, § 1, Nov. 12, 2001, 115 Stat. 593.)

§ 373c. Definitions

In this section and section 373b of this title:

(1) Law enforcement personnel

The term ''law enforcement personnel'' means an employee of a Federal, State, or local government agency, including an Indian tribal agency, who has successfully completed law enforcement training approved by the Secretary and is authorized to carry firearms, make arrests, and execute service of process to enforce criminal laws of his or her employing jurisdiction.

(2) Reclamation project; reclamation lands

The terms ''Reclamation project'' and ''Reclamation lands'' have the meaning given such terms in section 460*l*–32 of title 16.

(Pub. L. 107–69, § 2, Nov. 12, 2001, 115 Stat. 595.)

§ 373d. Grants and cooperative agreements with Indian tribes and organizations

In order to increase opportunities for Indian tribes to develop, manage, and protect their water resources, in fiscal year 2003 and thereafter, the Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation, is authorized to enter into grants and cooperative agreements with any Indian tribe, institution of higher education, national Indian organization, or tribal organization pursuant to sections 6301 to 6308 of title 31. Nothing in this Act is intended to modify or limit the provisions of the Indian Self Determination Act [25 U.S.C. 450f et seq.].

(Pub. L. 108–7, div. D, title II, § 201, Feb. 20, 2003, 117 Stat. 144.)

[1] So in original. Probably should be ''subsection (c)(1)''.