

such regulations as he may prescribe, for information leading to the arrest and conviction for violation of the laws and regulations relating to fires in or near national forests, or for the unlawful taking of, or injury to, Government property.

(Sept. 21, 1944, ch. 412, title II, §201, 58 Stat. 736.)

CODIFICATION

Section was enacted as a part of the Department of Agriculture Organic Act of 1944.

§ 559b. Prevention of manufacture, etc., of marijuana and other controlled substances

(a) Purpose

The purpose of sections 559b to 559f of this title is to authorize the Secretary of Agriculture (hereinafter in sections 559b to 559f of this title referred to as the "Secretary") to take actions necessary, in connection with the administration and use of the National Forest System, to prevent the manufacture, distribution, or dispensing of marijuana and other controlled substances.

(b) Law enforcement authority

Nothing in sections 559b to 559f of this title shall diminish in any way the law enforcement authority of the Forest Service.

(c) Definitions

As used in sections 559b to 559f of this title, the terms "manufacture", "dispense", and "distribute" shall have the same meaning given such terms in section 802 of title 21.

(Pub. L. 99-570, title XV, §15002, Oct. 27, 1986, 100 Stat. 3207-191.)

REFERENCES IN TEXT

Sections 559b to 559f of this title, referred to in text, was in the original "this title", meaning title XV of Pub. L. 99-570, Oct. 27, 1986, 100 Stat. 3207-191, known as the National Forest System Drug Control Act of 1986, which enacted sections 559b to 559f of this title, amended section 841 of Title 21, Food and Drugs, and enacted provisions set out as a note below. For complete classification of title XV to the Code, see Short Title note set out below and Tables.

SHORT TITLE

Pub. L. 99-570, title XV, §15001, Oct. 27, 1986, 100 Stat. 3207-191, provided that: "This title [enacting this section and sections 559c to 559f of this title and amending section 841 of Title 21, Food and Drugs] may be cited as the 'National Forest System Drug Control Act of 1986'."

NATIONAL FOREST SYSTEM, NATIONAL PARK SYSTEM, AND BUREAU OF LAND MANAGEMENT PUBLIC LANDS SAFETY; FINDINGS

Pub. L. 100-690, title VI, §6254(a), Nov. 18, 1988, 102 Stat. 4363, provided that: "Congress finds that—

"(1) National Forest System lands continue to be a haven for the unlawful production of marijuana and other controlled substances, which—

"(A) endangers the public in its use of National Forest System lands;

"(B) interferes with the ability of the Forest Service to effectively manage the natural resources and activities within the National Forest System; and

"(C) causes damage and destruction of the natural resources and facilities managed by the Forest Service;

"(2) the unlawful production of marijuana and other controlled substances often—

"(A) is generally harmful to the environment and public health and safety;

"(B) pollutes the air, soil, and water; and

"(C) is harmful to wildlife;

"(3) the Forest Service needs additional authority to adequately deal with the problem of controlled substance production that affects the administration of the National Forest System;

"(4) the Forest Service needs to be able to exercise its investigative authorities outside the boundaries of the National Forest System for drug-related crimes arising from within the National Forest System in order to be effective in deterring such crime;

"(5) the authority and powers of the Forest Service are not intended to be in conflict or interfere with the statutory authority, powers, or responsibilities of any State or political subdivision thereof; and

"(6) the Forest Service, in the exercise of its law enforcement powers, should cooperate to every extent possible with any other Federal, State, or local law enforcement authority having jurisdiction in areas where national forests are located, particularly where coordinated investigative and enforcement actions can be effective to control crime which affects multiple agencies."

§ 559c. Powers of officers and employees of Forest Service

For the purposes of sections 559b to 559f of this title, if specifically designated by the Secretary and specially trained, not to exceed 1,000 special agents and law enforcement officers of the Forest Service when in the performance of their duties shall have authority to—

(1) carry firearms;

(2) conduct, within the exterior boundaries of the National Forest System, investigations of violations of and enforce section 841 of title 21 and other criminal violations relating to marijuana and other controlled substances that are manufactured, distributed, or dispensed on National Forest System lands and to conduct such investigations and enforcement of such laws outside the exterior boundaries of the National Forest System for offenses committed within the National Forest System or which affect the administration of the National Forest System (including the pursuit of persons suspected of such offenses who flee the National Forest System to avoid arrest);

(3) make arrests with a warrant or process for misdemeanor violations, or without a warrant or process for violations of such misdemeanors that any such officer or employee has probable cause to believe are being committed in his presence or view, or for a felony with a warrant or without a warrant if he has probable cause to believe that the person to be arrested has committed or is committing such felony, for offenses committed within the National Forest System or which affect the administration of the National Forest System;¹

(4) serve warrants and other process issued by a court or officer of competent jurisdiction;

(5) search with or without warrant or process any person, place, or conveyance according to Federal law or rule of law; and

(6) seize with or without warrant or process any evidentiary item according to Federal law or rule of law.

¹ So in original.

(Pub. L. 99-570, title XV, §15003, Oct. 27, 1986, 100 Stat. 3207-191; Pub. L. 100-690, title VI, §6254(b), Nov. 18, 1988, 102 Stat. 4363.)

AMENDMENTS

1988—Pub. L. 100-690, §6254(b)(1), in introductory provision substituted “1,000 special agents and law enforcement officers” for “500 officers and employees”, and struck out “within the boundaries of the National Forest System” after “shall have authority”.

Par. (2). Pub. L. 100-690, §6254(b)(2), inserted “, within the exterior boundaries of the National Forest System,” after “conduct” and “and to conduct such investigations and enforcement of such laws outside the exterior boundaries of the National Forest System for offenses committed within the National Forest System or which affect the administration of the National Forest System (including the pursuit of persons suspected of such offenses who flee the National Forest System to avoid arrest)” before semicolon at end.

Par. (3). Pub. L. 100-690, §6254(b)(3), inserted “, for offenses committed within the National Forest System or which affect the administration of the National Forest System;” before semicolon at end.

§ 559d. Cooperation with other Federal, State, and local law enforcement agencies

For the purposes of sections 559b to 559f of this title, in exercising the authority provided by section 559c of this title—

(1) the Forest Service shall cooperate with any other Federal law enforcement agency having primary investigative jurisdiction over the offense committed;

(2) the Secretary may authorize the Forest Service to cooperate with the law enforcement officials of any Federal agency, State, or political subdivision in the investigation of violations of and enforcement of section 401 of the Controlled Substances Act (21 U.S.C. 841), other laws and regulations relating to marijuana and other controlled substances, and State drug control laws or ordinances for offenses committed within the National Forest System or which affect the administration of the National Forest System.¹

(3) the Forest Service shall cooperate with the Attorney General in carrying out the seizure and forfeiture provisions of section 511 of the Controlled Substances Act (21 U.S.C. 881) for violations of the Controlled Substances Act [21 U.S.C. 801 et seq.] relating to offenses committed within the National Forest System, or which affect the administration of the National Forest System;

(4) the Secretary is authorized to designate law enforcement officers of any other Federal agency, when the Secretary determines such designation to be economical and in the public interest, and with the concurrence of that agency, to exercise the powers and authorities of the Forest Service while assisting the Forest Service in the National Forest System, or for activities administered by the Forest Service; and

(5) the Forest Service is authorized to accept law enforcement designation from any other Federal agency or agency of a State or political subdivision thereof for the purpose of cooperating in a multi-agency law enforcement task force investigation of violations of the

Controlled Substances Act [21 U.S.C. 801 et seq.] and other offenses committed in the course of or in connection with such violations.

(Pub. L. 99-570, title XV, §15004, Oct. 27, 1986, 100 Stat. 3207-191; Pub. L. 100-690, title VI, §6254(c), Nov. 18, 1988, 102 Stat. 4364.)

REFERENCES IN TEXT

The Controlled Substances Act, referred to in pars. (3) and (5), is title II of Pub. L. 91-513, Oct. 27, 1970, 84 Stat. 1242, as amended, which is classified principally to subchapter I (§801 et seq.) of chapter 13 of Title 21, Food and Drugs. For complete classification of this Act to the Code, see Short Title note set out under section 801 of Title 21 and Tables.

AMENDMENTS

1988—Par. (2). Pub. L. 100-690, §6254(c)(2), substituted “for offenses committed within the National Forest System or which affect the administration of the National Forest System” for “, within the boundaries of the National Forest System”.

Pars. (3) to (5). Pub. L. 100-690, §6254(c)(3), added pars. (3) to (5).

§ 559e. Forest Service authorization

In order to improve Federal law enforcement activities relating to the use and production of narcotics and controlled substances on lands administered by the Forest Service, from amounts appropriated there shall be made available to the Secretary, in addition to sums made available under other authority of law, \$10,000,000 for fiscal year 1989, and for each fiscal year thereafter, to be used for employment and training of additional and existing Forest Service law enforcement personnel, for expenses related to such employment, training, equipment, and facilities, and for cooperative programs with State and local law enforcement agencies.

(Pub. L. 99-570, title XV, §15006, Oct. 27, 1986, 100 Stat. 3207-192; Pub. L. 100-690, title VI, §6254(d)(1), Nov. 18, 1988, 102 Stat. 4364.)

AMENDMENTS

1988—Pub. L. 100-690 amended section generally. Prior to amendment, section read as follows: “There is authorized to be appropriated \$10,000,000 for each fiscal year to carry out sections 559b to 559f of this title.”

§ 559f. Approval of Secretary of Agriculture and Attorney General

The authorities conferred herein shall be exercised pursuant to an agreement approved by the Secretary of Agriculture and the Attorney General.

(Pub. L. 99-570, title XV, §15007, Oct. 27, 1986, 100 Stat. 3207-192.)

REFERENCES IN TEXT

Herein, referred to in text, probably means title XV of Pub. L. 99-570, Oct. 27, 1986, 100 Stat. 3207-191, known as the National Forest System Drug Control Act of 1986, which enacted sections 559b to 559f of this title, amended section 841 of Title 21, Food and Drugs, and enacted provisions set out as a note under section 559b of this title. For complete classification of title XV to the Code, see Short Title note set out under section 559b of this title and Tables.

¹ So in original. The period probably should be a semicolon.