

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) 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) 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) 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 4607-32 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. 5321 et seq.].

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

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in text, means div. D of Pub. L. 108-7, Feb. 20, 2003, 117 Stat. 133, known as the Energy and Water Development Appropriations Act, 2003. For complete classification of this Act to the Code, see Tables.

The Indian Self-Determination Act, referred to in text, is title I of Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2206, which is classified principally to subchapter I (§ 5321 et seq.) of chapter 46 of Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 5301 of Title 25 and Tables.

Statutory Notes and Related Subsidiaries

SIMILAR PROVISIONS

Provisions similar to those in this section were contained in the following appropriation act:

Pub. L. 107-66, title II, § 201, Nov. 12, 2001, 115 Stat. 499.

¹ So in original. Probably should be “subsection (c)(1)”.

§ 373e. Bureau of Reclamation site security

(a) Treatment of capital costs

Costs incurred by the Secretary of the Interior for the physical fortification of Bureau of Reclamation facilities to satisfy increased post-September 11, 2001, security needs, including the construction, modification, upgrade, or replacement of such facility fortifications, shall be non-reimbursable.

(b) Treatment of security-related operation and maintenance costs

(1) Reimbursable costs

The Secretary of the Interior shall include no more than \$18,900,000 per fiscal year, indexed each fiscal year after fiscal year 2008 according to the preceding year's Consumer Price Index, of those costs incurred for increased levels of guards and patrols, training, patrols by local and tribal law enforcement entities, operation, maintenance, and replacement of guard and response force equipment, and operation and maintenance of facility fortifications at Bureau of Reclamation facilities after the events of September 11, 2001, as reimbursable operation and maintenance costs under Reclamation law.

(2) Costs collected through water rates

In the case of the Central Valley Project of California, site security costs allocated to irrigation and municipal and industrial water service in accordance with this section shall be collected by the Secretary exclusively through inclusion of these costs in the operation and maintenance water rates.

(c) Transparency and report to Congress

(1) Policies and procedures

The Secretary is authorized to develop policies and procedures with project beneficiaries, consistent with the requirements of paragraphs (2) and (3), to provide for the payment of the reimbursable costs described in subsection (b).

(2) Notice

On identifying a Bureau of Reclamation facility for a site security measure, the Secretary shall provide to the project beneficiaries written notice—

(A) describing the need for the site security measure and the process for identifying and implementing the site security measure; and

(B) summarizing the administrative and legal requirements relating to the site security measure.

(3) Consultation

The Secretary shall—

(A) provide project beneficiaries an opportunity to consult with the Bureau of Reclamation on the planning, design, and construction of the site security measure; and

(B) in consultation with project beneficiaries, develop and provide timeframes for the consultation described in subparagraph (A).

(4) Response; notice

Before incurring costs pursuant to activities described in subsection (b), the Secretary shall

consider cost containment measures recommended by a project beneficiary that has elected to consult with the Bureau of Reclamation on such activities. The Secretary shall provide to the project beneficiary—

(A) a timely written response describing proposed actions, if any, to address the recommendation; and

(B) notice regarding the costs and status of such activities on a periodic basis.

(5) Report

The Secretary shall report annually to the Natural Resources Committee of the House of Representatives and the Energy and Natural Resources Committee of the Senate on site security actions and activities undertaken pursuant to this Act for each fiscal year. The report shall include a summary of Federal and non-Federal expenditures for the fiscal year and information relating to a 5-year planning horizon for the program, detailed to show pre-September 11, 2001, and post-September 11, 2001, costs for the site security activities.

(d) Pre-September 11, 2001 security cost levels

Reclamation project security costs at the levels of activity that existed prior to September 11, 2001, shall remain reimbursable.

(Pub. L. 110-229, title V, §513, May 8, 2008, 122 Stat. 843.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in subsec. (c)(5), means Pub. L. 110-229, May 8, 2008, 122 Stat. 754, known as the Consolidated Natural Resources Act of 2008. For complete classification of this Act to the Code, see Short Title of 2008 Amendment note set out under section 1 of Title 16, Conservation, and Tables.

§ 373f. Partnerships, grants, and cooperative agreements with local joint powers authorities

The Secretary may hereafter partner, provide a grant to, or enter into a cooperative agreement with local joint powers authorities formed pursuant to State law by irrigation districts and other local water districts and local governments, to advance planning and feasibility studies authorized by Congress for water storage project: *Provided*, That the Secretary shall ensure that all documents associated with the preparation of planning and feasibility studies and applicable environmental reviews under the National Environmental Policy Act [42 U.S.C. 4321 et seq.] for a project covered by this section shall be made available to any joint powers authority with whom the Secretary enters into an agreement to advance such project: *Provided further*, That the Secretary, acting through the Commissioner of the Bureau of Reclamation, shall ensure that all applicable environmental reviews under the National Environmental Policy Act, to the degree such reviews are required, are completed on an expeditious basis and that the shortest existing applicable process under the National Environmental Policy Act shall be utilized, including in the completion of feasibility studies, Draft Environmental Impact Statements (DEIS) and Final Environmental