

116TH CONGRESS
2D SESSION

H. R. 7906

To amend title 40, United States Code, to include certain requirements for officers protecting Federal property, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 31, 2020

Mr. DEFazio (for himself, Mr. THOMPSON of Mississippi, Mr. BLUMENAUER, and Ms. BONAMICI) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 40, United States Code, to include certain requirements for officers protecting Federal property, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Prevent Federal Law
5 Enforcement Abuse in the Protection of Federal Property
6 Act”.

1 **SEC. 2. LAW ENFORCEMENT AUTHORITY OF SECRETARY OF**
2 **HOMELAND SECURITY FOR PROTECTION OF**
3 **PUBLIC PROPERTY.**

4 Section 1315 of title 40, United States Code, is
5 amended—

6 (1) in subsection (b)(1)—

7 (A) by striking “of the Department of
8 Homeland Security, including employees trans-
9 ferred to the Department” and insert “trans-
10 ferred to the Department of Homeland Secu-
11 rity”; and

12 (B) by striking “2002,” and inserting
13 “2002”;

14 (2) in subsection (b)(2)—

15 (A) by striking “While engaged in the per-
16 formance of official duties,” and inserting “To
17 the extent necessary to protect the property de-
18 scribed in subsection (a) and persons on such
19 property,”;

20 (B) in subparagraph (B) by striking “fire-
21 arms” and inserting “a firearm”;

22 (C) in subparagraph (C) by striking “if the
23 officer or agent has reasonable grounds to be-
24 lieve that the person to be arrested has com-
25 mitted or is committing a felony;” and inserting
26 the following: “if—

1 “(i) the officer or agent has probable
2 cause to believe that the person to be ar-
3 rested has committed, is committing, or is
4 about to commit a felony on or related to
5 property owned or occupied by the Federal
6 Government;

7 “(ii) the arrest—

8 “(I) occurs on the Federal prop-
9 erty or an area in the immediate vi-
10 cinity of the property and does not ex-
11 tend beyond any adjacent sidewalk,
12 public street, or other adjacent areas;

13 “(II) in the case of an agreement
14 under subsection (e), occurs in an
15 area in which arrests are permitted
16 under the parameters established in
17 such agreement; or

18 “(III) is carried out in an area
19 not covered under subclause (I) or
20 (II) only if—

21 “(aa) the officer or agent is
22 in active pursuit of a person who
23 is otherwise subject to arrest
24 under this subparagraph; and

1 “(bb) such person exits the
2 area covered by subclause (I) or
3 (II), as applicable, during such
4 pursuit; and

5 “(iii) there are specific and articulable
6 facts to support a reasonable belief that
7 the person may—

8 “(I) escape before a warrant can
9 be obtained for his or her arrest;

10 “(II) destroy evidence; or

11 “(III) continue the commission of
12 a felony on or related to property
13 owned or occupied by the Federal
14 Government;”;

15 (D) in subparagraph (E) by striking “;
16 and” and inserting “, except that such inves-
17 tigations and any associated surveillance are re-
18 stricted solely to offenses that may have been
19 committed against property owned or occupied
20 by the Federal Government; and”; and

21 (E) by striking subparagraph (F) and in-
22 serting the following:

23 “(F) carry out such other activities nec-
24 essary to protect the property described in sub-

1 section (a) and persons on such property as the
2 Secretary may prescribe.”;

3 (3) in subsection (e)—

4 (A) by striking “the Secretary may enter
5 into agreements” and inserting “the Secretary
6 shall enter into agreements, including memo-
7 randa of understanding,”; and

8 (B) by adding at the end the following:
9 “Any agreement, including memoranda of un-
10 derstanding, entered into under this subsection
11 shall include a requirement that all officers and
12 agents designated under this subsection and
13 subject to such agreement wear body cameras
14 while on duty.”;

15 (4) by redesignating subsections (f) and (g) as
16 subsections (h) and (i), respectively; and

17 (5) by inserting after subsection (e) the fol-
18 lowing:

19 “(f) IDENTIFICATION AS FEDERAL OFFICER.—An of-
20 ficer or agent designated under this subsection shall, while
21 engaged in the performance of official duties, display—

22 “(1) appropriate insignia identifying the depart-
23 ment or agency of the Department of Homeland Se-
24 curity from which such officer or agent has been
25 designated; and

1 “(2) the full name of the officer or agent.

2 “(g) LIMITATION ON ARRESTS.—With respect to any
3 arrest carried out under subsection (b)(2)(C), the officer
4 or agent shall—

5 “(1) identify himself or herself and the depart-
6 ment or agency in which such officer or agent is em-
7 ployed;

8 “(2) inform the individual being arrested of the
9 cause for such arrest;

10 “(3) in the case of an arrest carried out pursu-
11 ant to an agreement under subsection (e), notify any
12 State or local government that is party to such
13 agreement of the arrest; and

14 “(4) document the details of the arrest and the
15 cause for such arrest.”.

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