

Public Law 100-531
100th Congress

An Act

Oct. 25, 1988
[S. 836]

To amend the Department of Energy Organization Act to authorize protective force personnel who guard the strategic petroleum reserve or its storage and related facilities to carry firearms while discharging their official duties and in certain instances to make arrests without warrant; to establish the offense of trespass on property of the strategic petroleum reserve, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROTECTION OF STRATEGIC PETROLEUM RESERVE.

(a) IN GENERAL.—Title VI of the Department of Energy Organization Act (42 U.S.C. 7211-7270) is amended by adding at the end the following new sections:

“GUARDS FOR STRATEGIC PETROLEUM RESERVE FACILITIES

42 USC 7270a.

“SEC. 661. Under guidelines prescribed by the Secretary and concurred with by the Attorney General, employees of the Department of Energy and employees of contractors and subcontractors (at any tier) of the Department of Energy, while discharging their official duties of protecting the Strategic Petroleum Reserve (established under part B of title I of the Energy Policy and Conservation Act) or its storage or related facilities or of protecting persons upon the Strategic Petroleum Reserve or its storage or related facilities, may—

“(1) carry firearms, if designated by the Secretary and qualified for the use of firearms under the guidelines; and

“(2) arrest without warrant any person for an offense against the United States—

“(A) in the case of a felony, if the employee has reasonable grounds to believe that the person—

“(i) has committed or is committing a felony; and

“(ii) is in or is fleeing from the immediate area of the felony; and

“(B) in the case of a felony or misdemeanor, if the violation is committed in the presence of the employee.

“TRESPASS ON STRATEGIC PETROLEUM RESERVE FACILITIES

Real property.
42 USC 7270b.

“SEC. 662. (a) The Secretary may issue regulations relating to the entry upon or carrying, transporting, or otherwise introducing or causing to be introduced any dangerous weapon, explosive, or other dangerous instrument or material likely to produce substantial injury or damage to persons or property into or onto the Strategic Petroleum Reserve, its storage or related facilities, or real property subject to the jurisdiction, administration, or in the custody of the Secretary under part B of title I of the Energy Policy and Conservation Act (42 U.S.C. 6231-6247). The Secretary shall post conspicuously, on the property subject to the regulations, notification that the property is subject to the regulations.

“(b) Whoever willfully violates a regulation of the Secretary issued under subsection (a) shall be guilty of a misdemeanor and punished upon conviction by a fine of not more than \$5,000, imprisonment for not more than one year, or both.”.

(b) **CONFORMING AMENDMENT.**—The table of contents for the Department of Energy Organization Act is amended by adding after the item relating to section 660 the following new items:

“Sec. 661. Guards for Strategic Petroleum Reserve facilities.

“Sec. 662. Trespass on Strategic Petroleum Reserve facilities.”.

Approved October 25, 1988.

LEGISLATIVE HISTORY—S. 836:

HOUSE REPORTS: No. 100-980, Pt. 1 (Comm. on Energy and Commerce).

SENATE REPORTS: No. 100-79 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 133 (1987): June 25, considered and passed Senate.

Vol. 134 (1988): Oct. 5, considered and passed House, amended.

Oct. 7, Senate concurred in House amendment.