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# Firearms at Army Corps Water Resource Projects: Proposed Legislation and Issues in the 113<sup>th</sup> Congress

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March 16, 2015

Congressional Research Service

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[www.crs.gov](http://www.crs.gov)

R42602

## Summary

As part of its civil works mission, the U.S. Army Corps of Engineers manages water resource projects. Areas behind and below Corps dams and around Corps locks, levees, and waterways are popular recreation sites, attracting 370 million visits annually. Corps projects are some of the most densely used federal recreation sites. Title 36, Section 327, of the *Code of Federal Regulations* sets out the regulations for public use of Corps projects. Section 327.13 generally prohibits possession of loaded firearms by private (i.e., non-law enforcement) individuals at Corps-administered projects unless the firearms are being used for hunting at designated areas (with devices required to be unloaded while transported to and from the hunting areas) or for shooting at authorized shooting ranges. The regulation applies at projects regardless of their location in states allowing open or concealed carry of loaded firearms.

Corps lands with public access are open for hunting unless designated as closed for hunting (36 C.F.R. §327.8). Roughly half (4.4 million acres) of Corps fee-owned land is closed to hunting but open to the public; on these lands, Corps regulations allow unloaded firearms and prohibit loaded firearms. The other half of Corps fee-owned land is open to hunting or shooting in designated shooting areas; Corps regulations allow loaded firearms for hunting in areas open to hunting or shooting in designated shooting areas.

Legislation proposed in the 113<sup>th</sup> Congress (e.g., H.R. 2046, the Recreational Lands Self-Defense Act; Section 103 of S. 1335, the Sportsmen's Act) would have banned the Secretary of the Army from promulgating or enforcing regulations that prohibit individuals from possessing firearms, including assembled or functional firearms, at Corps projects. The proposed language would have required firearms possession to comply with state law. Supporters saw the proposed legislation as addressing a patchwork of regulations restricting firearms on federal lands, providing consistency for open and concealed firearms possession within a state, and facilitating recreational shooting and self-defense. They argued that enactment would result in Corps policies consistent with legislation that made it legal for individuals to possess firearms at National Park Service (NPS) and National Wildlife Refuge System (NWRS) units of the Department of the Interior (DOI). Other stakeholders were concerned that the proposed legislation could have produced unintended safety and security issues. No armed federal law enforcement officers are commissioned for public safety and security purposes at Corps projects. Corps rangers issue citations for regulatory violations and are not allowed to carry firearms. Most law enforcement at Corps projects is provided by local and state personnel.

The issue for the 113<sup>th</sup> Congress was not only whether to alter the Corps firearms regulations but also how to maintain public safety and infrastructure security at Corps projects. The proposed language would have eliminated the Secretary of the Army's ability to enforce or promulgate regulations on firearms restrictions in areas of Corps projects that are open to the public if possession were in compliance with state law. However, individuals still would have had to comply with Title 18, Section 930, of the *United States Code*, which restricts possession of firearms at a "federal facility," and the agency still would have been able to restrict public access to project areas under its authority in Title 16, Section 460d, of the *United States Code*. Therefore, which Corps facilities qualify as a "federal facility" under Title 18, Section 930, of the *United States Code* becomes a topic of interest. Under the proposed legislation, consistent with state law and firearms restrictions in Title 18, Section 930, of the *United States Code*, loaded firearms would have been allowed at all Corps project areas open to the public.

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## Current and Proposed Corps Firearms Policy

The U.S. Army Corps of Engineers manages numerous water resource projects, such as dams and locks, across the United States. Many of these projects include facilities critical to managing floodwaters, supporting navigation, and producing hydropower. Many of these projects serve multiple purposes, including as sites popular for multiple kinds of recreation. Current Corps regulations prohibit possession of loaded firearms by private individuals at areas of Corps projects that are open to the public unless they are used for hunting in areas that are open to hunting or for shooting at authorized shooting ranges. The regulation applies at Corps projects regardless of their location in states allowing open or concealed carry of loaded firearms.<sup>1</sup> Corps firearms regulations and their enforcement are the subject of ongoing lawsuits.<sup>2</sup>

Legislation in the 113<sup>th</sup> Congress was introduced to ban promulgation and enforcement of regulations that prohibit private individuals from possessing firearms, including assembled or functional firearms, at Corps projects. The proposed language would have eliminated the agency's ability to enforce or promulgate regulations on restricting firearms in project areas that are open to the public if possession is in compliance with state law. However, individuals still would have been prohibited from possessing firearms at a "federal facility" under Title 18, Section 930, of the *United States Code*.<sup>3</sup> This report examines the Corps' current regulations, related legislative proposals, and firearms-related safety and security issues at Corps projects. The report also compares the Corps' authorities and regulations with authorities and regulations of the Department of the Interior's (DOI's) Bureau of Reclamation, which also operates federal water resources projects with significant recreation.

The Corps can issue firearms warnings or citations. During the five years FY2008 through FY2012, warnings for firearms, explosives, other weapons, and fireworks averaged 33 annually from an average annual total of 22,207 warnings; similar citations averaged 21 annually from an annual average of 2,195.<sup>4</sup>

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<sup>1</sup> For more information on concealed carry, see CRS Report R42099, *Federal Laws and Legislation on Carrying Concealed Firearms: An Overview*, by (name redacted). For more information on gun control legislation, see CRS Report R42987, *Gun Control Legislation in the 113<sup>th</sup> Congress*, by (name redacted).

<sup>2</sup> Tracking these lawsuits is beyond the scope of this report's discussion of legislative responses to Corps regulations. See, e.g., *Morris v. U.S. Army Corps of Engineers*, No. 3:13-CV-00336-BLW, 2014 U.S. Dist. LEXIS 147541 (D. Idaho Oct. 13, 2014) (order declaring the Corps regulation unconstitutional and enjoining the Corps from enforcing its provisions on any Corps property in Idaho); but see *GeorgiaCarry.org v. U.S. Army Corps of Engineers*, 38 F. Supp. 3d 1365 (N.D. Ga. 2014) (finding the Corps regulation likely constitutional under the Second Amendment).

<sup>3</sup> 18 U.S.C. §930 restricts firearms at federal facilities; "federal facility" is "a building or part thereof owned or leased by the federal government, where Federal employees are regularly present for the purpose of performing their official duties." Some Corps facilities, such as locks, levees, exposed hydropower elements, improved-recreational facilities, may not qualify as a building under 18 U.S.C. §930. "Building" was not defined in proposed Corps firearms legislation, raising questions about whether standard Corps constructions qualified as "buildings." There are other definitions of "federal facility" used in federal law that more clearly incorporate buildings and other construction, for example, 15 U.S.C. §205c(9). There is also a standard definition of "public building" (not just building) that can apply broadly at 40 U.S.C. §3301(5)(B).

<sup>4</sup> Email from Corps of Engineers staff, September 17, 2013.

## Public Use and Access at Corps Projects

Most Corps water resources projects are constructed primarily to produce economic and public safety benefits through promoting navigation and reducing exposure to flood waters. Congress, in multiple laws, also has provided the Corps with authorities to support other activities at its projects. Consequently, Corps projects such as dams are often multipurpose. That is, they produce hydroelectric power and store water for municipal, industrial, and agricultural use as well as provide navigation and flood damage reduction. Congress also gave the Corps authority to support some recreation at its projects.<sup>5</sup>

In carrying out its water resources mission, the Corps is responsible for 8.8 million acres of Corps fee-owned land; the agency manages 422 lake and river projects with recreation, 92,844 campsites, 7,700 miles of trails, and 3,544 boat launches. Corps projects provide 33% of U.S. freshwater available for lake fishing.<sup>6</sup> Roughly half of Corps fee-owned lands are open for hunting, and there are a small number of authorized shooting ranges. Corps projects receive 370 million recreational visits annually, making its projects the most visited of any single federal agency's sites;<sup>7</sup> that is, the Corps hosts 20% of the visits to federal recreation areas on 2% of the federal lands. One reason for the high visitation is close proximity to population centers: 90% of Corps recreation areas are within 50 miles of a metropolitan area. Examples of Corps projects with significant public use are reservoirs at multipurpose dams (e.g., Lake Lanier in Georgia, Lake Texoma in Oklahoma and Texas, and Missouri River mainstem dams) and navigation locks.

## Current Corps Firearms and Hunting Regulations

Currently, Title 36, Section 327, of the *Code of Federal Regulations* sets out the regulations for public use of Corps projects. Section 327.13 prohibits private (i.e., non-law enforcement) individuals from possessing loaded firearms, ammunition, loaded projectile firing devices, bows and arrows, crossbows, or other weapons at Corps-administered water resource projects, unless they are being used

- for hunting (with devices unloaded when being transported to hunting sites),
- at authorized shooting ranges, or
- with written permission of the Corps District Commander.

Under these regulations, the firearms are to remain unloaded in recreation areas such as campgrounds. The regulation applies at projects regardless of their location in states allowing open or concealed carry of loaded firearms. The Corps enforces the regulations on land and waters that it owns in fee-simple status; it does not enforce them on floodways under easement or on levees that are not on Corps fee-owned land.

Corps regulations allow loaded firearms only for hunting purposes in areas open to hunting or at designated shooting areas. The regulations for hunting at Corps projects are set out in Title 36,

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<sup>5</sup> Section 4 of the Flood Control Act of 1944 (P.L. 78-534), as amended; Federal Water Project Recreation Act, 1965, (P.L. 89-72), as amended; §103(c)(4) and §103(e) of Water Resources Development Act of 1986 (P.L. 99-662); §2804 of Reclamation Projects Authorization and Adjustments Act of 1992 (P.L. 102-575).

<sup>6</sup> Army Corps of Engineers, *Information Paper: Civil Works Program Statistics*, 2013.

<sup>7</sup> The National Park Service receives approximately 285 million recreation visits annually.

Section 327.8, of the *Code of Federal Regulations*, which states that “hunting is permitted except in areas and during periods where prohibited by the District Commander” and “all applicable Federal, State and local laws regulating these activities apply on project lands and waters, and shall be regulated by authorized enforcement officials as prescribed in 327.26.” Hunting is often restricted to those project areas designated for wildlife purposes. While state hunting and wildlife laws apply in these areas, Corps rangers do not enforce these state laws.

Of its 8.8 million acres of Corps fee-owned land, roughly half is open to hunting. The other half is closed to hunting, often due to its close proximity to developed or urban areas.<sup>8</sup> That is, roughly 4.4 million acres of Corps land is closed to hunting but open to the public; on this land, Corps regulations restrict loaded firearms but allow unloaded firearms. On the roughly 4.4 million acres of Corps land open to hunting, Corps regulations restrict loaded firearms to use in hunting or shooting at designated ranges.

Corps regulations currently do not directly address discharge of firearms at Corps projects; that is, the regulations are related to possession, not firearm use. Visitors, however, arguably would be in violation of the regulation (36 C.F.R. §327.13) if they were to possess (or discharge) a loaded firearm unless they were hunting or using the firearm at an authorized shooting range.

Under Title 16, Section 460d, of the *United States Code* and its implementing regulations in Title 36, Section 327.25, of the *Code of Federal Regulations*, persons designated by the District Commander (i.e., Corps rangers) can write citations for violations of the recreation regulations. The citation can require “any person charged with the violation to appear before the United States Magistrate within whose jurisdiction the affected water resources development projects is located”; the violation “may be punished by a fine of not more than \$5,000 or imprisonment for not more than six months or both.”<sup>9</sup>

## **Proposed Corps Firearms Legislation**

Legislation proposed in the 113<sup>th</sup> Congress (e.g., H.R. 2046, the Recreational Lands Self-Defense Act, H.R. 3590, Sportsmen’s Heritage and Recreational Enhancement Act of 2013, and Section 103 of S. 1335, the Sportsmen’s Act)<sup>10</sup> would have banned the Secretary of the Army from promulgating or enforcing regulations that prohibit individuals from possessing firearms (including assembled or functional firearms) at Corps projects. The proposed language would have required that possession comply with state law and that the individual not be otherwise prohibited from possessing firearms.

Enactment of the legislative language proposed in the 113<sup>th</sup> Congress effectively would have allowed private individuals to carry loaded and/or concealed firearms at all Corps projects consistent with state law. However, individuals still would have been prohibited from possessing a firearm at a “federal facility” as identified under Title 18, Section 930, of the *United States*

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<sup>8</sup> Email from Corps of Engineers staff May 8, 2013. Hunting often is restricted based on public safety concerns such as proximity of homes and buildings and presence of non-hunting recreational users.

<sup>9</sup> The punishment does not apply to failure to pay authorized recreation use fees, and is decided by the Magistrate.

<sup>10</sup> S. 1335 had numerous provisions related to federal lands and firearms. Only §103 explicitly related to Corps projects. No expressions of intent to have other sections of the bill apply to the Corps were made; perspectives on whether other sections of the bill applied to the Corps may have depended largely on the interpretation of whether the Corps was included within the bill’s definition of “Federal public land.” This report discusses only §103 of the bill.

*Code* and in project areas restricted to the public pursuant to Title 16, Section 460d, of the *United States Code*. Individuals would have been responsible for knowing and complying with all applicable concealed carry laws of the state or states in which the water resources development project is located. The legislation would not have distinguished between handguns and other firearms, such as long guns (rifles and shotguns). The proposed legislation was similar to language enacted for the Department of the Interior in 2009 under Section 512 of P.L. 111-24, the Credit Card Accountability Responsibility and Disclosure Act of 2009. P.L. 111-24 made it legal for individuals to possess firearms at National Park Service (NPS) and National Wildlife Refuge System (NWRS) units.<sup>11</sup>

Supporters of the proposed legislation saw enactment as part of a larger, ongoing effort to improve the consistency of laws and regulations concerning firearms on federally managed lands. They also saw the proposed legislation as providing for consistent treatment of open and concealed firearms possession within a state, providing for recreational shooting and self-defense, and protecting the right to bear arms under the Second Amendment of the Constitution. Other stakeholders raised concerns that the proposed legislation ignored implementation challenges at Corps projects that are not generally faced at NPS and NWRS units (e.g., presence of critical facilities, limited law enforcement authority) and that enactment could have produced unintended public safety and infrastructure security issues. The Administration opposed the Corps firearms regulation prohibition provision in its Statement of Administration Policy for H.R. 3590 on February 3, 2014.

## **Corps Firearms Policy and Related Security and Safety Issues**

### **Public Access to Critical Facilities and Public Safety**

The Corps and the U.S. Department of Homeland Security regard some Corps infrastructure as critical to homeland security and the economy;<sup>12</sup> these structures include multipurpose dams and major navigation locks. Many of these facilities require additional protection measures in times of heightened homeland security concerns. Currently, public access and recreation is allowed at or near many of these structures. At issue is whether enactment of legislation similar to the proposals in the 113<sup>th</sup> Congress may complicate or hamper the Corps' ability to maintain the security of these facilities given the Corps' limited law enforcement authority.

Legislation considered in the 113<sup>th</sup> Congress would not have explicitly provided the Corps with authority to restrict firearms at Corps facilities that are open to the public. While not explicitly providing the Corps with authority to restrict firearms at its facilities, the proposed prohibition against enforcement of Title 36, Section 327.0, of the *Code of Federal Regulations* would not have altered the more general existing federal law (18 U.S.C. §930) that prohibits possession of firearms at a "federal facility." A "federal facility" is defined as "a building or part thereof owned or leased by the federal government, where Federal employees are regularly present for the purpose of performing their official duties." Which Corps facilities that are open to the public, such as recreation and improved campground facilities, locks, exposed hydropower elements, and

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<sup>11</sup> The law did not change existing regulatory prohibitions on the use of firearms at these units (36 C.F.R. §2.4).

<sup>12</sup> Department of Homeland Security, Office of Inspector General, *DHS Risk Assessment Efforts in Dams Sector*, OIG-11-110, Washington, DC, September 2011, [http://www.oig.dhs.gov/assets/mgmt/oig\\_11-110\\_sep11.pdf](http://www.oig.dhs.gov/assets/mgmt/oig_11-110_sep11.pdf).



levees on Corps fee-owned land, may qualify under this “federal facility” definition remains an open question.

The Corps’ authority to restrict public access (16 U.S.C. §460d) also would appear to have remained unchanged under the proposed legislation.<sup>13</sup> Existing Corps regulations (36 C.F.R. §327.12) authorize the District Commander to “close or restrict the use of a project or portion of a project when necessitated,” including for reasons of public safety. If a ban on promulgating or enforcing Corps firearms regulations were enacted, the Corps may need to review safety and security vulnerabilities at its projects and may restrict public access in more areas if it is prohibited from promulgating rules that prohibit individuals from carrying loaded firearms.<sup>14</sup>

## Law Enforcement Authority<sup>15</sup>

Although Congress has given the Corps authority to regulate conduct at its projects, it has not provided the Corps with authority to perform many typical law enforcement functions, including the ability of rangers to carry firearms, make arrests, and execute search warrants.<sup>16</sup> While some stakeholders may view the ability to possess loaded firearms as expanding the law enforcement challenge at Corps projects, others view the limitations on the Corps’ law enforcement authorities as a reason for private individuals to be able to carry loaded firearms for self-defense.

The Corps’ limited law enforcement authority contrasts with the authority Congress has explicitly granted to the Department of the Interior. DOI has the authority to designate officers with the full range of law enforcement functions. Thus, when P.L. 111-24 made it legal for individuals to possess firearms at NPS and NWRS units, public safety and security at those sites could be enforced by personnel with the full range of law enforcement functions, including the authority to carry arms, make arrests without warrants, execute warrants, and conduct investigations.<sup>17</sup>

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<sup>13</sup> Under 16 U.S.C. §460d, the Chief of Engineers, under the supervision of the Secretary of the Army, is “authorized to construct, maintain, and operate public park and recreational facilities at water resource development projects under the control of the Department of the Army.” Furthermore, the provisions provides: “The water areas of all such projects shall be open to public use generally for boating, swimming, bathing, fishing, and other recreational purposes ... *when such use is determined by the Secretary of the Army not to be contrary to the public interest, all under such rules and regulations as the Secretary of the Army may deem necessary.*” (Emphasis added).

<sup>14</sup> Proposed legislation from the 113<sup>th</sup> Congress also would appear to have prevented the agency from prohibiting loaded firearms in special use areas that are open to the public (e.g., equestrian areas, off-road use areas). However, the agency’s ability to grant and establish the terms of special use permits under 16 U.S.C. §460d would appear to have been unaffected. Accordingly, it may be possible that the Corps, despite an inability to promulgate restrictions on the possession of loaded firearms, could establish firearms restrictions in special use permits, which are often granted for limited time periods (e.g. typically less than 24 hours). Whether the Corps would choose to exercise their authority in this manner would be a policy choice, likely evaluated on a case by case basis.

<sup>15</sup> There is no single all-purpose definition of a law enforcement officer; rather, Congress specifically authorizes agencies to designate officials to perform certain law enforcement functions. After reviewing various law enforcement authorization statutes, the Government Accountability Office identified four statutorily authorized functions typically performed by law enforcement officers. The functions are (1) to conduct criminal investigations; (2) to execute search warrants; (3) to make arrests; and (4) to carry firearms. See Government Accountability Office, *Federal Law Enforcement: Survey of Federal Civilian Law Enforcement Functions and Authorities*, GAO-07-121, Dec. 2006, <http://www.gao.gov/new.items/d07121.pdf>.

<sup>16</sup> The vast majority of Corps personnel, and of particular importance Corps rangers, are civilians (22,600 civilians to 300 military personnel), with few if any military officers regularly present at Corps water resources projects. The civilian nature of Corps law enforcement at water resources projects alleviates most concerns related to military personnel enforcing domestic law.

<sup>17</sup> For example, see 16 U.S.C. §1a-6(b).



In contrast, Congress has limited enforcement by Corps rangers to issuing citations for violations of regulations.<sup>18</sup> Corps rangers principally have land management functions with duties related to recreation and natural resources management (e.g., fisheries and wildlife biologist and forester).

Full police power at Corps projects, including the power to enforce state and local laws and place persons under arrest, is exercised solely by state and local authorities. Consequently, the Corps relies on the assistance and cooperation of local and state law enforcement through cooperative agreement or contracts during peak visitation periods for maintaining public safety. The Corps' authority for these law enforcement contracts (42 U.S.C §1962d-5d) is limited to \$10 million per year nationally. Current Corps authority does not allow the agency to authorize state or local authorities to enforce federal law or regulations at Corps projects.

The legislative proposals from the 113<sup>th</sup> Congress, if enacted, would have made no change to law enforcement authorities for the Corps. That is, no armed federal law enforcement authorities responsible for maintaining public safety and security would have been at Corps projects, a continuation of the status quo. Corps rangers would have remained unarmed; volunteers and those working as concessionaire contractors at Corps projects also would not have been allowed to carry firearms. No public information is available on whether additional law enforcement assistance and funding to obtain this assistance would have been needed for the Corps to maintain multiple uses of its projects, public safety, and infrastructure security under the proposed firearm legislation.

## Comparison with Reclamation Firearms Policies

Like Corps projects, many of DOI's Bureau of Reclamation water resources projects are sites of both significant infrastructure and public recreation and access. The proposed legislation discussed in this report only would have affected Corps firearms regulations. Information on Reclamation authorities and regulations related to firearms presented herein is provided to illustrate how the other federal agency with large water resource projects manages firearms on its lands.

Currently, Reclamation facilities are governed differently than those of the Corps with respect to the regulation of firearms and law enforcement. **Table 1** summarizes Reclamation's authorities and regulations, the Corps' authorities and regulations, and changes if the proposals considered in the 113<sup>th</sup> Congress had been enacted. The table also includes related public access and law enforcement authorities for Corps and Reclamation water resources projects.

Reclamation regulations (43 C.F.R. §423.30) allow firearm possession in compliance with federal, state, and local law on Reclamation lands and waterbodies, with two exceptions:

- possession is not permitted at or in a Reclamation facility, and
- prohibitions and regulations may apply in designated special-use areas.<sup>19</sup>

Unlike the Corps' current regulations, these Reclamation regulations distinguish between facilities, lands, and waterbodies. At Reclamation facilities (e.g., buildings, dams, electric power

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<sup>18</sup> Corps citation authority is codified at 16 U.S.C. §460d.

<sup>19</sup> The basis for the regulations is 43 U.S.C. §373b.

facilities, switchyards, recreation facilities, fish and wildlife facilities), firearms are prohibited. At Reclamation lands and waterbodies, firearms are allowed to the extent provided by applicable federal, state, and local law. Therefore, the possession of loaded firearms by private individuals is allowed at most of a Reclamation project’s land and water footprint, whereas current Corps regulations allow such possession only in areas designated for hunting and shooting at Corps projects.

Reclamation regulations (43 C.F.R. §423.30(b)) restrict discharge of a weapon unless for hunting or at an authorized shooting or archery range; discharge must also be in compliance with federal, state, and local law. As previously noted, Corps regulations do not explicitly address the discharge of weapons. Reclamation regulations (43 C.F.R. §423.32) permit hunting on Reclamation lands and waterbodies in accordance with federal, state, and local laws unless the area has been closed for public use or has been designated as a special-use area.<sup>20</sup> In November 2001, in Section 1 of the Reclamation Recreation Management Act of 1992 (P.L. 107-69), Congress provided criminal penalties for violation of regulations to maintain law and order and protect persons and property at Reclamation projects and lands.

**Table I. Firearms Regulations and Proposals During the 113<sup>th</sup> Congress and Related Public Access and Law Enforcement Authorities for Corps and Reclamation Projects**

	<b>Reclamation Regulations and Authority</b>	<b>Corps Regulations and Authority</b>	<b>Corps Firearms Legislation Considered by the 113<sup>th</sup> Congress</b>
<i>Firearms in Areas Open to the Public</i>	Allowed if stowed, transported, and/or carried in compliance with applicable federal, state, and local law; firearms prohibited at Reclamation facilities (43 C.F.R. §423.30(a)(1)); where “facilities” have included buildings, dams, electric power facilities, switchyards, recreation facilities, fish and wildlife facilities; firearms prohibited in certain special use areas (43 C.F.R. §423.30(a)(2))	Unloaded firearms allowed in areas open to the public except for federal facilities under 18 U.S.C. §930; loaded firearms allowed for use in hunting in areas designated for hunting in compliance with state law and for use in shooting at authorized shooting ranges, or by written permission of the District Commander (36 C.F.R. §327.12)	Loaded firearms allowed (through the prohibition on the Corps promulgation and enforcement of firearms restriction regulations) in areas open to the public if in compliance with state law, except for federal facilities under 18 U.S.C. §930 and unless the person is otherwise prohibited by law from possessing the firearm
<i>Possession of Firearms at Federal Facility Open to the Public; Federal Facility is Defined Under 18 U.S.C. §930</i>	Prohibited	Prohibited	Prohibited; no change from current authorities

<sup>20</sup> In order to designate an area as a special use are, according to Reclamation regulations (43 C.F.R. §423.60) an authorized official finds the designation is necessary for protection of public health and safety, protection and preservation of cultural and natural resources, protection of environmental and scenic values, scientific research, the security of Reclamation facilities, the avoidance of conflict among visitor use activities, or other reasons in the public interest.

	<b>Reclamation Regulations and Authority</b>	<b>Corps Regulations and Authority</b>	<b>Corps Firearms Legislation Considered by the 113<sup>th</sup> Congress</b>
<i>Loaded Firearms in Restricted Areas</i>	Restrictions and prohibitions may apply	Prohibited; Corps restricts public access under 16 U.S.C. §460d	No change from current authorities
<i>Discharge of Weapon (e.g., hunting, shooting ranges)</i>	Limited to hunting (except in designated areas) or at designated shooting range in compliance with federal, state, and local law	Corps regulations currently do not directly address discharge of firearms at Corps projects; allowed discharge is limited to areas designated for hunting or shooting as a result of the regulation restricting loaded firearms in areas not designated for hunting or shooting	Limitation on promulgation and enforcement would apply to loaded firearm possession, not discharge; no change to Corps ability to establish safety-related regulations under 16 U.S.C. §460d
<i>Corps or Reclamation Rangers</i>	<ul style="list-style-type: none"> <li>- Land management functions (not law enforcement)</li> <li>- May not carry firearms</li> <li>- Citation authority for violation of regulations</li> <li>- No authority to detain or arrest</li> </ul>	<ul style="list-style-type: none"> <li>- Land management functions (not law enforcement)</li> <li>- May not carry firearms</li> <li>- Citation authority for violation of regulations</li> <li>- No authority to detain or arrest</li> </ul>	No change from current authorities
<i>Other Federal Law Enforcement</i>	DOI personnel authorized to perform full suite of law enforcement functions	None	No change from current authorities
<i>Armed Federal Law Enforcement</i>	Authorized, limited use	None, no agency authority	None, no agency authority
<i>Contracting for (Armed) State and Local Law Enforcement</i>	<ul style="list-style-type: none"> <li>- Authorized, used for security</li> <li>- No current contracts for state or local personnel to enforce federal laws and regulations at Reclamation property</li> </ul>	<ul style="list-style-type: none"> <li>- Allowed, except not to enforce federal law or regulations</li> <li>- Authorization of appropriations limited to \$10 million annually</li> </ul>	No change from current authorities

**Source:** The Congressional Research Service.

Law enforcement at Reclamation projects can be provided by DOI armed law enforcement officers or by other law enforcement personnel through cooperative agreement or contract. Reclamation and DOI utilize a variety of personnel for security and public safety at Reclamation projects:<sup>21</sup> federal special agents provided through DOI’s law enforcement authority and uniformed guards acting as special policemen with law enforcement authority, an armed security response task force that does not have law enforcement authority, armed state and local law enforcement personnel, and personnel from private security companies for both armed and unarmed functions. The vast majority of criminal offenses occurring on Reclamation property, nonetheless, are handled by state police, sheriff’s offices, or local law enforcement.<sup>22</sup> Most law

<sup>21</sup> For example, see 16 U.S.C. §1a-6, 43 U.S.C. §373b(c), and 40 U.S.C. §1315.

<sup>22</sup> Email from Bureau of Reclamation staff to CRS (Nicole Carter), June 22, 2012.

enforcement functions at Corps projects also are provided by state and local law enforcement authorities, but the Corps does not have the option of its own department's or agency's armed federal law enforcement personnel. At Reclamation projects (in some contrast to NPS and NWRS units, which have federal personnel with more law enforcement functions), Reclamation rangers function much like Corps rangers; both do not have significant law enforcement authority or carry firearms.

## **Conclusion**

Many Corps projects function as popular recreation sites in addition to providing navigation, flood damage reduction, hydropower, and other benefits. Current Corps regulations prohibit possession of loaded firearms by private individuals at Corps projects unless for hunting or at designated shooting ranges. The 113<sup>th</sup> Congress considered legislation that would have eliminated the Secretary of the Army's ability to enforce or promulgate regulations restricting the possession of loaded firearms in areas of its projects that are open to the public, as long as an individual is lawfully permitted to possess a firearm and such possession is in compliance with state law. Possession of firearms, however, would have remained prohibited at a "federal facility" consistent with Title 18, Section 930, of the *United States Code*. That is, if the proposed language had been enacted, the Corps would have been prohibited from promulgating or enforcing restrictions on loaded firearms on roughly 4.4 million acres of Corps fee-owned lands that are open to the public but currently closed for hunting. For the roughly 4.4 million acres that are open to hunting or designated as shooting ranges, the proposed legislation, if enacted, apparently would have essentially lifted the restriction that possession of a loaded firearms be limited for use in hunting or for shooting at designated shooting ranges. That is, under the proposed legislation, consistent with state law and firearms restrictions in Title 18, Section 930, of the *United States Code*, loaded firearms would have been allowed at all Corps project areas open to the public.

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