

TITLE 16 - CONSERVATION
CHAPTER 12A - TENNESSEE VALLEY AUTHORITY

§ 831c-3. Law enforcement

(a) Designation of law enforcement agents

The Board may designate employees of the corporation to act as law enforcement agents in the area of jurisdiction described in subsection (c) of this section.

(b) Duties and powers

(1) Duties

A law enforcement agent designated under subsection (a) of this section shall maintain law and order and protect persons and property in the area of jurisdiction described in subsection (c) of this section and protect property and officials and employees of the corporation outside that area.

(2) Powers

In the performance of duties described in paragraph (1), a law enforcement agent designated under subsection (a) of this section may—

(A) make arrests without warrant for any offense against the United States committed in the agent's presence, or for any felony cognizable under the laws of the United States if the agent has probable cause to believe that the person to be arrested has committed or is committing such a felony;

(B) execute any warrant or other process issued by a court or officer of competent jurisdiction for the enforcement of any Federal law or regulation issued pursuant to law in connection with the investigation of an offense described in subparagraph (A);

(C) conduct an investigation of an offense described in subparagraph (A) in the absence of investigation of the offense by any Federal law enforcement agency having investigative jurisdiction over the offense or with the concurrence of that agency; and

(D) carry firearms in carrying out any activity described in subparagraph (A), (B), or (C).

(c) Area of jurisdiction

A law enforcement agent designated under subsection (a) of this section shall be authorized to exercise the law enforcement duties and powers described in subsection (b) of this section—

(1) on any lands or facilities owned or leased by the corporation or within such adjoining areas in the vicinities of such lands or facilities as may be determined by the Board under subsection (e) of this section; and

(2) on other lands or facilities—

(A) when the person to be arrested is in the process of fleeing from such lands, facilities, or adjoining areas to avoid arrest;

(B) in conjunction with the protection of property or officials or employees of the corporation on or within lands or facilities other than those owned or leased by the corporation; or

(C) in cooperation with other Federal, State, or local law enforcement agencies.

(d) Federal investigative jurisdiction and State civil and criminal jurisdiction not preempted

Nothing in this section shall be construed to—

(1) limit or restrict the investigative jurisdiction of any Federal law enforcement agency; or

(2) affect any right of a State or a political subdivision thereof to exercise civil and criminal jurisdiction on or within lands or facilities owned or leased by the corporation.

(e) Determination of adjoining areas

(1) In general

NB: This unofficial compilation of the U.S. Code is current as of Jan. 5, 2009 (see <http://www.law.cornell.edu/uscode/uscpri.html>).

The Board shall determine and may from time-to-time modify the adjoining areas for each facility or particular area of land, or for individual categories of such facilities or lands, for the purposes of subsection (c)(1) of this section.

(2) Notice

A notice and description of each adjoining area determination or modification of a determination made under paragraph (1) shall be published in the Federal Register.

(f) Qualifications and training

The Board, in consultation with the Attorney General, shall adopt qualification and training standards for law enforcement agents designated under subsection (a) of this section.

(g) Relation to other law

A law enforcement agent designated under subsection (a) of this section shall not be considered to be a law enforcement officer of the United States for the purposes of any other law, and no law enforcement agent designated under subsection (a) of this section or other employee of the corporation shall receive an increase in compensation solely on account of this section.

(h) Relationship with Attorney General

The duties and powers of law enforcement agents designated under subsection (a) of this section that are described in subsection (b) of this section shall be exercised in accordance with guidelines approved by the Attorney General.

(May 18, 1933, ch. 32, § 4A, as added Pub. L. 103–322, title XXXII, § 320929, Sept. 13, 1994, 108 Stat. 2133; Pub. L. 108–447, div. C, title VI, § 603(a)(2), Dec. 8, 2004, 118 Stat. 2966.)

Amendments

2004—Subsecs. (c)(1), (e)(1), (f). Pub. L. 108–447 substituted “Board” for “board”.

Effective Date of 2004 Amendment

Amendment by Pub. L. 108–447 effective on the later of the date on which at least three persons nominated under section 604(a) of Pub. L. 108–447 take office or May 18, 2005, see section 604(b) of Pub. L. 108–447, set out in an Appointments; Effective Date; Transition note under section 831a of this title.