

TITLE 40 - PUBLIC BUILDINGS, PROPERTY, AND WORKS
SUBTITLE I - FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES
CHAPTER 13 - PUBLIC PROPERTY

§ 1315. Law enforcement authority of Secretary of Homeland Security for protection of public property

(a) **In General.**— To the extent provided for by transfers made pursuant to the Homeland Security Act of 2002, the Secretary of Homeland Security (in this section referred to as the “Secretary”) shall protect the buildings, grounds, and property that are owned, occupied, or secured by the Federal Government (including any agency, instrumentality, or wholly owned or mixed-ownership corporation thereof) and the persons on the property.

(b) **Officers and Agents.**—

(1) **Designation.**— The Secretary may designate employees of the Department of Homeland Security, including employees transferred to the Department from the Office of the Federal Protective Service of the General Services Administration pursuant to the Homeland Security Act of 2002, as officers and agents for duty in connection with the protection of property owned or occupied by the Federal Government and persons on the property, including duty in areas outside the property to the extent necessary to protect the property and persons on the property.

(2) **Powers.**— While engaged in the performance of official duties, an officer or agent designated under this subsection may—

(A) enforce Federal laws and regulations for the protection of persons and property;

(B) carry firearms;

(C) make arrests without a warrant for any offense against the United States committed in the presence of the officer or agent or for any felony cognizable under the laws of the United States if the officer or agent has reasonable grounds to believe that the person to be arrested has committed or is committing a felony;

(D) serve warrants and subpoenas issued under the authority of the United States;

(E) conduct investigations, on and off the property in question, of offenses that may have been committed against property owned or occupied by the Federal Government or persons on the property; and

(F) carry out such other activities for the promotion of homeland security as the Secretary may prescribe.

(c) **Regulations.**—

(1) **In general.**— The Secretary, in consultation with the Administrator of General Services, may prescribe regulations necessary for the protection and administration of property owned or occupied by the Federal Government and persons on the property. The regulations may include reasonable penalties, within the limits prescribed in paragraph (2), for violations of the regulations. The regulations shall be posted and remain posted in a conspicuous place on the property.

(2) **Penalties.**— A person violating a regulation prescribed under this subsection shall be fined under title 18, United States Code, imprisoned for not more than 30 days, or both.

(d) **Details.**—

(1) **Requests of agencies.**— On the request of the head of a Federal agency having charge or control of property owned or occupied by the Federal Government, the Secretary may detail officers and agents designated under this section for the protection of the property and persons on the property.

(2) **Applicability of regulations.**— The Secretary may—

(A) extend to property referred to in paragraph (1) the applicability of regulations prescribed under this section and enforce the regulations as provided in this section; or

NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see <http://www.law.cornell.edu/uscode/uscript.html>).

(B) utilize the authority and regulations of the requesting agency if agreed to in writing by the agencies.

(3) Facilities and services of other agencies.— When the Secretary determines it to be economical and in the public interest, the Secretary may utilize the facilities and services of Federal, State, and local law enforcement agencies, with the consent of the agencies.

(e) Authority Outside Federal Property.— For the protection of property owned or occupied by the Federal Government and persons on the property, the Secretary may enter into agreements with Federal agencies and with State and local governments to obtain authority for officers and agents designated under this section to enforce Federal laws and State and local laws concurrently with other Federal law enforcement officers and with State and local law enforcement officers.

(f) Secretary and Attorney General Approval.— The powers granted to officers and agents designated under this section shall be exercised in accordance with guidelines approved by the Secretary and the Attorney General.

(g) Limitation on Statutory Construction.— Nothing in this section shall be construed to—

- (1)** preclude or limit the authority of any Federal law enforcement agency; or
- (2)** restrict the authority of the Administrator of General Services to promulgate regulations affecting property under the Administrator’s custody and control.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1140; Pub. L. 107–296, title XVII, § 1706(b)(1), Nov. 25, 2002, 116 Stat. 2316.)

Historical and Revision Notes

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1315(a)	40:318(a).	June 1, 1948, ch. 359, § 1, 62 Stat. 281; Pub. L. 100–678, § 8(a), (b), Nov. 17, 1988, 102 Stat. 4052.
1315(b)	40:318(b).	
1315(c)	40:318b (words before semicolon).	June 1, 1948, ch. 359, § 3, 62 Stat. 281; Pub. L. 100–678, § 8(a), (c)(2), Nov. 17, 1988, 102 Stat. 4052, 4053.
1315(d)	40:318b (words after semicolon).	
1315(e)	40:318d.	June 1, 1948, ch. 359, § 5, as added Pub. L. 87–275, Sept. 22, 1961, 75 Stat. 574.
1315(f)	40:318a.	June 1, 1948, ch. 359, § 2, 62 Stat. 281; Pub. L. 100–678, § 8(a), (c)(1), Nov. 17, 1988, 102 Stat. 4052, 4053.
1315(g)	40:318c.	June 1, 1948, ch. 359, § 4, 62 Stat. 281; Pub. L. 104–201, div. A, title X, § 1067, Sept. 23, 1996, 110 Stat. 2654.

In this section, the word “duly” is omitted as unnecessary.

In subsection (e), the words “who have been” are omitted as unnecessary.

In subsection (g)(1), the words “fined under title 18” are substituted for “fined not more than \$50” for consistency with chapter 227 of title 18.

In subsection (g)(2)(B), the words “similar offense” are substituted for “like or similar offense” to eliminate unnecessary words. The words “of the United States” are added for consistency in the revised title and with other titles of the United States Code.

References in Text

The Homeland Security Act of 2002, referred to in subsecs. (a) and (b)(1), is Pub. L. 107–296, Nov. 25, 2002, 116 Stat. 2135, which is classified principally to chapter 1 (§ 101 et seq.) of Title 6, Domestic Security. For complete classification of this Act to the Code, see Short Title note set out under section 101 of Title 6 and Tables.

Amendments

2002—Pub. L. 107–296 amended catchline and text generally. Prior to amendment, text read as follows:

“(a) Appointment.—The Administrator of General Services, or an official of the General Services Administration authorized by the Administrator, may appoint uniformed guards of the Administration as special police without additional compensation for duty in connection with the policing of all buildings and areas owned or occupied by the Federal Government and under the charge and control of the Administrator.

“(b) Powers.—Special police appointed under this section have the same powers as sheriffs and constables on property referred to in subsection (a) to enforce laws enacted for the protection of individuals and property, prevent breaches of the peace, suppress affrays or unlawful assemblies, and enforce regulations prescribed by the Administrator or an official of the Administration authorized by the Administrator for property under their jurisdiction. However, the jurisdiction and policing powers of special police do not extend to the service of civil process.

“(c) Detail.—On the application of the head of a department or agency of the Government having property of the Government under its administration and control, the Administrator or an official of the Administration authorized by the Administrator may detail special police for the protection of the property and, if the Administrator considers it desirable, may extend to the property the applicability of regulations and enforce them as provided in this section.

“(d) Use of Other Law Enforcement Agencies.—When it is considered economical and in the public interest, the Administrator or an official of the Administration authorized by the Administrator may utilize the facilities and services of existing federal law enforcement agencies, and, with the consent of a state or local agency, the facilities and services of state or local law enforcement agencies.

“(e) Nonuniformed Special Police.—The Administrator, or an official of the Administration authorized by the Administrator, may empower officials or employees of the Administration authorized to perform investigative functions to act as nonuniformed special police to protect property under the charge and control of the Administration and to carry firearms, whether on federal property or in travel status. When on real property under the charge and control of the Administration, officials or employees empowered to act as nonuniformed special police have the power to enforce federal laws for the protection of individuals and property and to enforce regulations for that purpose that the Administrator or an official of the Administration authorized by the Administrator prescribes and publishes. The special police may make arrests without warrant for any offense committed on the property if the police have reasonable grounds to believe the offense constitutes a felony under the laws of the United States and that the individual to be arrested is guilty of that offense.

“(f) Administrative.—The Administrator or an official of the Administration authorized by the Administrator may prescribe regulations necessary for the government of the property under their charge and control, and may annex to the regulations reasonable penalties, within the limits prescribed in subsection (g), that will ensure their enforcement. The regulations shall be posted and kept posted in a conspicuous place on the property.

“(g) Penalties.—

“(1) In general.—Except as provided in paragraph (2), a person violating a regulation prescribed under subsection (f) shall be fined under title 18, imprisoned for not more than 30 days, or both.

“(2) Exception for military traffic regulation.—

“(A) Definition.—For purposes of this paragraph, the term ‘military traffic regulation’ means a regulation for the control of vehicular or pedestrian traffic on military installations that the Secretary of Defense prescribes under subsection (f).

“(B) In general.—A person violating a military traffic regulation shall be fined an amount not exceeding the amount of the maximum fine for a similar offense under the criminal or civil law of the State, district, territory, or possession of the United States where the military installation in which the violation occurred is located, imprisoned for not more than 30 days, or both.”

Effective Date of 2002 Amendment

Amendment by Pub. L. 107–296 effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107–296, set out as an Effective Date note under section 101 of Title 6, Domestic Security.

Transfer of Functions

For transfer of functions, personnel, assets, and liabilities of the Federal Protective Service of the General Services Administration, including the functions of the Administrator of General Services relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203 (3), 551 (d), 552 (d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

Delegation of Authority

Pub. L. 107–296, title XVII, § 1706(b)(2), Nov. 25, 2002, 116 Stat. 2318, provided that: “The Secretary may delegate authority for the protection of specific buildings to another Federal agency where, in the Secretary’s discretion, the Secretary determines it necessary for the protection of that building.”

[For definition of “Secretary” as used in section 1706(b)(2) of Pub. L. 107–296, set out above, see section 101 (14) of Title 6, Domestic Security.]

Federal Protective Service Guard Contracting Reform

Pub. L. 110–356, Oct. 8, 2008, 122 Stat. 3996, provided that:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Federal Protective Service Guard Contracting Reform Act of 2008’.

“SEC. 2. FEDERAL PROTECTIVE SERVICE CONTRACTS.

“(a) Prohibition on Award of Contracts to Any Business Concern Owned, Controlled, or Operated by an Individual Convicted of a Felony.—

“(1) In general.—The Secretary of Homeland Security, acting through the Assistant Secretary of U.S. Immigration and Customs Enforcement—

“(A) shall promulgate regulations establishing guidelines for the prohibition of contract awards for the provision of guard services under the contract security guard program of the Federal Protective Service to any business concern that is owned, controlled, or operated by an individual who has been convicted of a felony; and

“(B) may consider permanent or interim prohibitions when promulgating the regulations.

“(2) Contents.—The regulations under this subsection shall—

“(A) identify which serious felonies may prohibit a contractor from being awarded a contract;

“(B) require contractors to provide information regarding any relevant felony convictions when submitting bids or proposals; and

“(C) provide guidelines for the contracting officer to assess present responsibility, mitigating factors, and the risk associated with the previous conviction, and allow the contracting officer to award a contract under certain circumstances.

“(b) Regulations.—Not later than 6 months after the date of the enactment of this Act [Oct. 8, 2008], the Secretary shall issue regulations to carry out this section.

“SEC. 3. REPORT ON GOVERNMENT-WIDE APPLICABILITY.

“Not later than 18 months after the date of enactment of the [probably should be “this”] Act, the Administrator for Federal Procurement Policy shall submit a report on establishing similar guidelines government-wide to the Committee on Homeland Security and Governmental Affairs and the Committee on Oversight and Government Reform of the House of Representatives.”