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Folder Title: 11/12/2001 [H. R. 2925]



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

01 NOV 06 PM 10:20

November 6, 2001

THE DIRECTOR

THE PRESIDENT HAS SEEN
11-12-01

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 2925 - Law Enforcement Authority at Bureau of Reclamation
Facilities
Sponsor: Rep. Calvert (R) California

APPROVED
NOV 12 2001

Last Day for Action

November 14, 2001 - Wednesday

Purpose

Authorizes the Secretary of the Interior to provide law enforcement personnel to protect persons and property within Bureau of Reclamation facilities or land.

Agency Recommendations

Office of Management and Budget

Approval

Department of the Interior

Approval

Department of Justice

No objection (Informally)

Department of Labor

No objection (Informally)

Department of the Treasury

No objection (Informally)

National Security Council

No objection (Informally)

Department of Energy

No comment (Informally)

Office of Personnel Management

No comment (Informally)

Discussion

The Bureau of Reclamation of the Department of the Interior operates 348 reservoirs and 58 hydroelectric power plants that provide water and power to various parts of the country, as well as 300 recreation sites that attract over 90 million visitors annually. Under existing law, Reclamation does not have law enforcement personnel or authority needed to provide for public safety or security of Reclamation facilities or property (with the exception of the Hoover Dam). The enrolled bill, which is very similar to the Administration's September 26, 2001 legislative proposal, provides the Department with the necessary authority.

Provisions of H.R. 2925

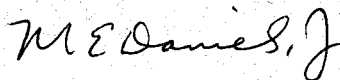
H.R. 2925 allows the Secretary of the Interior to authorize existing Interior law enforcement personnel as well as other Federal (except Defense Department), State, Tribal, or local law enforcement personnel to act as law enforcement officers on Reclamation property. Non-Interior law enforcement personnel could be used, through contracts or cooperative agreements, when deemed to be economical and in the public interest. Under the enrolled bill, all law enforcement officers charged by the Secretary to protect Reclamation property would be authorized to carry firearms, execute warrants, make arrests, and conduct on-site investigations in certain circumstances.

H.R. 2925 directs the Secretary to issue regulations necessary to protect persons and facilities within Reclamation property with the approval of the Attorney General and establishes criminal penalties (fines and up to 6 months imprisonment) for individuals who violate these regulations. The enrolled bill establishes the legal status of non-federal law enforcement personnel when acting as law enforcement officers on Reclamation property. Finally, the enrolled bill provides that it will not diminish any existing Federal, State, Tribal, or local law enforcement authority or criminal or civil jurisdiction which otherwise applies to Reclamation facilities or land.

Conclusion and Recommendations

The Department of the Interior strongly recommends approval of H.R. 2925. Interior advises that "H.R. 2925 provides a very important addition to the Secretary's authority to provide for public safety and the security of facilities and resources under the management of the Bureau of Reclamation."

We join Interior in recommending the approval of H.R. 2925, which passed the House by voice vote and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

November 12, 2001

STATEMENT BY THE PRESS SECRETARY

Today the President signed into law H.R. 2925, the "Reclamation Recreation Management Act Amendment." The Act authorizes the Secretary of the Interior to provide law enforcement personnel to protect persons and property within Bureau of Reclamation facilities or land.

#

CLERK PREPARED 11/12/01

E-mailed to Rachel Sumbarger 11/12/01 6:35P



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

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Department of the Interior	Approval
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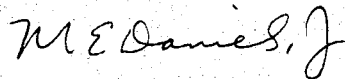
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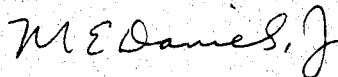
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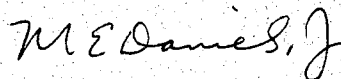
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Mitchell E. Daniels, Jr.
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Enclosures

WHITE HOUSE STAFFING MEMORANDUM

Date: 11-6-01 ACTION / CONCURRENCE / COMMENT DUE BY: 11-7-01 COB

Subject: H.R. 2925, LAW ENFORCEMENT AUTHORITY AT BUREAU OF RECLAMATION
FACILITIES

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☒	☐	JOHNSON	☐	☐
CALIO	☒	☐	LINDSEY	☒	☐
CONNAUGHTON	☒	☐	MIERS	☐	☒
DANIELS	☐	☒	RICE	☐	☐
FLEISCHER	☐	☒	RIDGE	☒	☐
GERSON	☐	☐	ROVE	☒	☐
GONZALES	☒	☐	SPELLINGS	☒	☐
HAGIN	☐	☐	CLERK	☐	☒
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

PLEASE SEND COMMENTS TO STAFF SECRETARY NO LATER THAN COB WEDNESDAY,
11-7-01. THANK YOU.

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

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November 6, 2001

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No objection (Informally)

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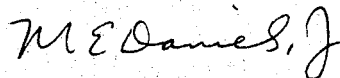
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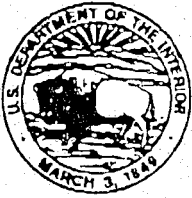
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Mitchell E. Daniels, Jr.
Director

Enclosures



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

NOV 2 2001

Honorable Mitchell E. Daniels, Jr.
Director, Office of Management and Budget
Attention: Assistant Director for Legislative Reference
Washington, DC 20503

Dear Mr. Daniels:

This letter responds to your request for the views of the Department of the Interior with respect to enrolled bill H.R. 2925, a bill "to provide for the security of dams, facilities, and resources under the jurisdiction of the Bureau of Reclamation."

We strongly recommend that the President approve the enrolled bill.

With a few changes, which we believe are positive, the bill as passed is the same as the Administration proposal submitted by the Department to the Congress in September and which was introduced at the Administration's request. The bill is consistent with Administration policies and proposals to strengthen the Nation's ability to combat terrorism and would meet other law enforcement needs of the Bureau of Reclamation. Despite the Bureau's responsibility to manage and operate 348 dams and reservoirs and 58 hydroelectric power plants, some of them major and critical infrastructure sites, as well as 300 recreation sites with 90 million visits per year, Reclamation lacks adequate authority to enforce Federal law at its sites and facilities.

There continue to be incidents reported by Reclamation field offices regarding criminal acts on these lands and facilities that threaten public safety and property, including vandalism, hazardous materials dumping, damage to water management facilities, disturbances of the peace, trespass, and theft of cultural resources. Under existing law, the Secretary of the Interior does not have the law enforcement authority necessary to provide sufficiently for public safety or security of facilities and resources under the management of the Bureau of Reclamation.

The enrolled bill would authorize the Secretary of the Interior to provide for enforcement of Federal laws at Reclamation facilities and on Reclamation-administered lands through the use of existing Interior law enforcement authorities or by agreement with other Federal agencies having law enforcement authority or with State, Tribal, and local law enforcement agencies. The bill would authorize the Secretary to reimburse law enforcement agencies for their services.

Specifically, the enrolled bill would--

- allow the Secretary to authorize law enforcement personnel of the Department of the Interior and other federal agencies that have law enforcement authority (except the Department of Defense) to act as law enforcement officers to enforce federal laws on Reclamation lands and projects;

- allow the Secretary to authorize, through cooperative agreement or contract, law enforcement personnel from State and local police agencies, including tribal police, to act as law enforcement officers to enforce federal laws on Reclamation lands and projects;

- authorize reimbursement to State and local governments, including Indian Tribes, for expenditures incurred in connection with federal law enforcement activities on Reclamation lands; and

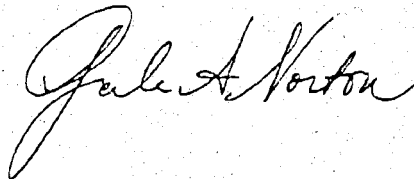
- further provide for cooperation in the enforcement of State or local laws on Reclamation lands.

The enrolled bill stipulates that the law enforcement personnel from State, tribal, or local police agencies acting under this new authority are not Federal employees and are not subject to Federal employment laws and benefits, with the following two exceptions: while working in the status of law enforcement officers by agreement with Reclamation under this bill, tribal, local, and State police personnel would be treated as Federal employees for purposes of the tort claim provisions of title 28 of the United States Code, and the compensation for work injury provisions of subchapter I, chapter 81 of title 5 of the United States Code. These provisions would not apply if the State or local officers were on Reclamation lands or facilities independently of fulfilling the terms of an agreement with Reclamation.

Finally, the enrolled bill provides that this legislation will not diminish any existing Federal, State, or local law enforcement authority or civil jurisdiction that otherwise extends to Reclamation projects and lands.

Enrolled bill H.R. 2925 provides a very important addition to the Secretary's authority to provide for public safety and the security of facilities and resources under the management of the Bureau of Reclamation and we strongly recommend that it be signed.

Sincerely,



Enclosures

WHITE HOUSE STAFFING MEMORANDUM

Date: 11-6-01 ACTION / CONCURRENCE / COMMENT DUE BY: 11-7-01 COB

Subject: H.R. 2925, LAW ENFORCEMENT AUTHORITY AT BUREAU OF RECLAMATION
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RESPONSE:

Harriet E. Miers
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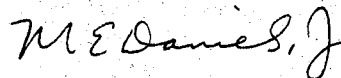
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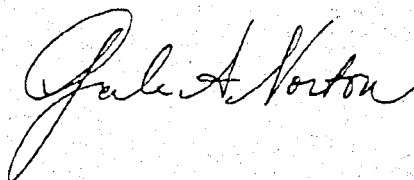
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Enclosures

 *** TX REPORT ***

TRANSMISSION OK

TX/RX NO 0732
 CONNECTION TEL 66212
 CONNECTION ID
 ST. TIME 11/07 00:57
 USAGE T 02'14
 PGS. SENT 5
 RESULT OK

SS/ RM NO. 499670

WHITE HOUSE STAFFING MEMORANDUM

Date: 11-6-01 ACTION / CONCURRENCE / COMMENT DUE BY: 11-7-01 COB

H.R. 2925, LAW ENFORCEMENT AUTHORITY AT BUREAU OF RECLAMATION

Subject: FACILITIES

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☒	☐	JOHNSON	☐	☐
CALIO	☒	☐	LINDSEY	☒	☐
CONNAUGHTON	☒	☐	MIERS	☐	☒
DANIELS	☐	☒	RICE	☐	☐
FLEISCHER	☐	☒	RIDGE	☒	☐
GERSON	☐	☐	ROVE	☒	☐
GONZALES	☒	☐	SPELLINGS	☒	☐
HAGIN	☐	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

PLEASE SEND COMMENTS TO STAFF SECRETARY NO LATER THAN COB WEDNESDAY,
 11-7-01. THANK YOU.

WHITE HOUSE STAFFING MEMORANDUM

Date: 11-6-01 ACTION / CONCURRENCE / COMMENT DUE BY: 11-7-01 COB

Subject: H.R. 2925, LAW ENFORCEMENT AUTHORITY AT BUREAU OF RECLAMATION
FACILITIES

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☒	☐	JOHNSON	☐	☐
CALIO	☒	☐	LINDSEY	☒	☐
CONNAUGHTON	☒	☐	MIERS	☐	☒
DANIELS	☐	☒	RICE	☐	☐
FLEISCHER	☐	☒	RIDGE	☒	☐
GERSON	☐	☐	ROVE	☒	☐
GONZALES	☒	☐	SPELLINGS	☒	☐
HAGIN	☐	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

PLEASE SEND COMMENTS TO STAFF SECRETARY NO LATER THAN COB WEDNESDAY,
11-7-01. THANK YOU.

RESPONSE:

Harriet E. Miers
 Assistant to the President
 and Staff Secretary
 Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

01/09/01 09:10:20

November 6, 2001

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 2925 - Law Enforcement Authority at Bureau of Reclamation
Facilities
Sponsor: Rep. Calvert (R) California

Last Day for Action

November 14, 2001 - Wednesday

Purpose

Authorizes the Secretary of the Interior to provide law enforcement personnel to protect persons and property within Bureau of Reclamation facilities or land.

Agency Recommendations

Office of Management and Budget

Approval

Department of the Interior

Approval

Department of Justice

No objection (Informally)

Department of Labor

No objection (Informally)

Department of the Treasury

No objection (Informally)

National Security Council

No objection (Informally)

Department of Energy

No comment (Informally)

Office of Personnel Management

No comment (Informally)

Discussion

The Bureau of Reclamation of the Department of the Interior operates 348 reservoirs and 58 hydroelectric power plants that provide water and power to various parts of the country, as well as 300 recreation sites that attract over 90 million visitors annually. Under existing law, Reclamation does not have law enforcement personnel or authority needed to provide for public safety or security of Reclamation facilities or property (with the exception of the Hoover Dam). The enrolled bill, which is very similar to the Administration's September 26, 2001 legislative proposal, provides the Department with the necessary authority.

Provisions of H.R. 2925

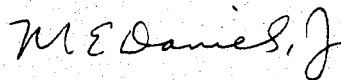
H.R. 2925 allows the Secretary of the Interior to authorize existing Interior law enforcement personnel, as well as other Federal (except Defense Department), State, Tribal, or local law enforcement personnel to act as law enforcement officers on Reclamation property. Non-Interior law enforcement personnel could be used, through contracts or cooperative agreements, when deemed to be economical and in the public interest. Under the enrolled bill, all law enforcement officers charged by the Secretary to protect Reclamation property would be authorized to carry firearms, execute warrants, make arrests, and conduct on-site investigations in certain circumstances.

H.R. 2925 directs the Secretary to issue regulations necessary to protect persons and facilities within Reclamation property with the approval of the Attorney General and establishes criminal penalties (fines and up to 6 months imprisonment) for individuals who violate these regulations. The enrolled bill establishes the legal status of non-federal law enforcement personnel when acting as law enforcement officers on Reclamation property. Finally, the enrolled bill provides that it will not diminish any existing Federal, State, Tribal, or local law enforcement authority or criminal or civil jurisdiction which otherwise applies to Reclamation facilities or land.

Conclusion and Recommendations

The Department of the Interior strongly recommends approval of H.R. 2925. Interior advises that "H.R. 2925 provides a very important addition to the Secretary's authority to provide for public safety and the security of facilities and resources under the management of the Bureau of Reclamation."

We join Interior in recommending the approval of H.R. 2925, which passed the House by voice vote and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

NOV 2 2001

Honorable Mitchell E. Daniels, Jr.
Director, Office of Management and Budget
Attention: Assistant Director for Legislative Reference
Washington, DC 20503

Dear Mr. Daniels:

This letter responds to your request for the views of the Department of the Interior with respect to enrolled bill H.R. 2925, a bill "to provide for the security of dams, facilities, and resources under the jurisdiction of the Bureau of Reclamation."

We strongly recommend that the President approve the enrolled bill.

With a few changes, which we believe are positive, the bill as passed is the same as the Administration proposal submitted by the Department to the Congress in September and which was introduced at the Administration's request. The bill is consistent with Administration policies and proposals to strengthen the Nation's ability to combat terrorism and would meet other law enforcement needs of the Bureau of Reclamation. Despite the Bureau's responsibility to manage and operate 348 dams and reservoirs and 58 hydroelectric power plants, some of them major and critical infrastructure sites, as well as 300 recreation sites with 90 million visits per year, Reclamation lacks adequate authority to enforce Federal law at its sites and facilities.

There continue to be incidents reported by Reclamation field offices regarding criminal acts on these lands and facilities that threaten public safety and property, including vandalism, hazardous materials dumping, damage to water management facilities, disturbances of the peace, trespass, and theft of cultural resources. Under existing law, the Secretary of the Interior does not have the law enforcement authority necessary to provide sufficiently for public safety or security of facilities and resources under the management of the Bureau of Reclamation.

The enrolled bill would authorize the Secretary of the Interior to provide for enforcement of Federal laws at Reclamation facilities and on Reclamation-administered lands through the use of existing Interior law enforcement authorities or by agreement with other Federal agencies having law enforcement authority or with State, Tribal, and local law enforcement agencies. The bill would authorize the Secretary to reimburse law enforcement agencies for their services.

Specifically, the enrolled bill would--

- allow the Secretary to authorize law enforcement personnel of the Department of the Interior and other federal agencies that have law enforcement authority (except the Department of Defense) to act as law enforcement officers to enforce federal laws on Reclamation lands and projects;

- allow the Secretary to authorize, through cooperative agreement or contract, law enforcement personnel from State and local police agencies, including tribal police, to act as law enforcement officers to enforce federal laws on Reclamation lands and projects;

- authorize reimbursement to State and local governments, including Indian Tribes, for expenditures incurred in connection with federal law enforcement activities on Reclamation lands; and

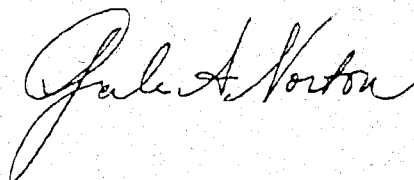
- further provide for cooperation in the enforcement of State or local laws on Reclamation lands.

The enrolled bill stipulates that the law enforcement personnel from State, tribal, or local police agencies acting under this new authority are not Federal employees and are not subject to Federal employment laws and benefits, with the following two exceptions: while working in the status of law enforcement officers by agreement with Reclamation under this bill, tribal, local, and State police personnel would be treated as Federal employees for purposes of the tort claim provisions of title 28 of the United States Code, and the compensation for work injury provisions of subchapter I, chapter 81 of title 5 of the United States Code. These provisions would not apply if the State or local officers were on Reclamation lands or facilities independently of fulfilling the terms of an agreement with Reclamation.

Finally, the enrolled bill provides that this legislation will not diminish any existing Federal, State, or local law enforcement authority or civil jurisdiction that otherwise extends to Reclamation projects and lands.

Enrolled bill H.R. 2925 provides a very important addition to the Secretary's authority to provide for public safety and the security of facilities and resources under the management of the Bureau of Reclamation and we strongly recommend that it be signed.

Sincerely,



Enclosures

 *** TX REPORT ***

TRANSMISSION OK

TX/RX NO 0734
 CONNECTION TEL 51005
 CONNECTION ID
 ST. TIME 11/07 01:02
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 PGS. SENT 5
 RESULT OK

SS/ RM NO. 499670

WHITE HOUSE STAFFING MEMORANDUM

Date: 11-6-01 ACTION / CONCURRENCE / COMMENT DUE BY: 11-7-01 COB

H.R. 2925, LAW ENFORCEMENT AUTHORITY AT BUREAU OF RECLAMATION
 Subject: FACILITIES

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☒	☐	JOHNSON	☐	☐
CALIO	☒	☐	LINDSEY	☒	☐
CONNAUGHTON	☒	☐	MIERS	☐	☒
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FLEISCHER	☐	☒	RIDGE	☒	☐
GERSON	☐	☐	ROVE	☒	☐
GONZALES	☒	☐	SPELLINGS	☒	☐
HAGIN	☐	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

PLEASE SEND COMMENTS TO STAFF SECRETARY NO LATER THAN COB WEDNESDAY,
 11-7-01. THANK YOU.

WHITE HOUSE STAFFING MEMORANDUM

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GONZALES	☒	☐	SPELLINGS	☒	☐
HAGIN	☐	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

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RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

01 NOV 06 PM 10:20

November 6, 2001

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 2925 - Law Enforcement Authority at Bureau of Reclamation
Facilities
Sponsor: Rep. Calvert (R) California

Last Day for Action

November 14, 2001 - Wednesday

Purpose

Authorizes the Secretary of the Interior to provide law enforcement personnel to protect persons and property within Bureau of Reclamation facilities or land.

Agency Recommendations

Office of Management and Budget

Approval

Department of the Interior

Approval

Department of Justice

No objection (Informally)

Department of Labor

No objection (Informally)

Department of the Treasury

No objection (Informally)

National Security Council

No objection (Informally)

Department of Energy

No comment (Informally)

Office of Personnel Management

No comment (Informally)

Discussion

The Bureau of Reclamation of the Department of the Interior operates 348 reservoirs and 58 hydroelectric power plants that provide water and power to various parts of the country, as well as 300 recreation sites that attract over 90 million visitors annually. Under existing law, Reclamation does not have law enforcement personnel or authority needed to provide for public safety or security of Reclamation facilities or property (with the exception of the Hoover Dam). The enrolled bill, which is very similar to the Administration's September 26, 2001 legislative proposal, provides the Department with the necessary authority.

Provisions of H.R. 2925

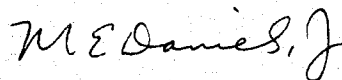
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We join Interior in recommending the approval of H.R. 2925, which passed the House by voice vote and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

NOV 2 2001

Honorable Mitchell E. Daniels, Jr.
Director, Office of Management and Budget
Attention: Assistant Director for Legislative Reference
Washington, DC 20503

Dear Mr. Daniels:

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We strongly recommend that the President approve the enrolled bill.

With a few changes, which we believe are positive, the bill as passed is the same as the Administration proposal submitted by the Department to the Congress in September and which was introduced at the Administration's request. The bill is consistent with Administration policies and proposals to strengthen the Nation's ability to combat terrorism and would meet other law enforcement needs of the Bureau of Reclamation. Despite the Bureau's responsibility to manage and operate 348 dams and reservoirs and 58 hydroelectric power plants, some of them major and critical infrastructure sites, as well as 300 recreation sites with 90 million visits per year, Reclamation lacks adequate authority to enforce Federal law at its sites and facilities.

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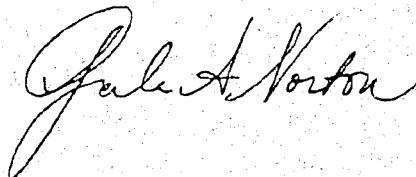
- further provide for cooperation in the enforcement of State or local laws on Reclamation lands.

The enrolled bill stipulates that the law enforcement personnel from State, tribal, or local police agencies acting under this new authority are not Federal employees and are not subject to Federal employment laws and benefits, with the following two exceptions: while working in the status of law enforcement officers by agreement with Reclamation under this bill, tribal, local, and State police personnel would be treated as Federal employees for purposes of the tort claim provisions of title 28 of the United States Code, and the compensation for work injury provisions of subchapter I, chapter 81 of title 5 of the United States Code. These provisions would not apply if the State or local officers were on Reclamation lands or facilities independently of fulfilling the terms of an agreement with Reclamation.

Finally, the enrolled bill provides that this legislation will not diminish any existing Federal, State, or local law enforcement authority or civil jurisdiction that otherwise extends to Reclamation projects and lands.

Enrolled bill H.R. 2925 provides a very important addition to the Secretary's authority to provide for public safety and the security of facilities and resources under the management of the Bureau of Reclamation and we strongly recommend that it be signed.

Sincerely,



Enclosures

 *** TX REPORT ***

TRANSMISSION OK

TX/RX NO	0735	
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ST. TIME	11/07 01:05	
USAGE T	02'14	
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SS/ RM NO. 499670

WHITE HOUSE STAFFING MEMORANDUM

Date: 11-6-01 ACTION / CONCURRENCE / COMMENT DUE BY: 11-7-01 COB

H.R. 2925, LAW ENFORCEMENT AUTHORITY AT BUREAU OF RECLAMATION
 Subject: FACILITIES

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☒	☐	JOHNSON	☐	☐
CALIO	☒	☐	LINDSEY	☒	☐
CONNAUGHTON →	☒	☐	MIERS	☐	☒
DANIELS	☐	☒	RICE	☐	☐
FLEISCHER	☐	☒	RIDGE	☒	☐
GERSON	☐	☐	ROVE	☒	☐
GONZALES	☒	☐	SPELLINGS	☒	☐
HAGIN	☐	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

PLEASE SEND COMMENTS TO STAFF SECRETARY NO LATER THAN COB WEDNESDAY,
 11-7-01. THANK YOU.

WHITE HOUSE STAFFING MEMORANDUM

Date: 11-6-01 ACTION / CONCURRENCE / COMMENT DUE BY: 11-7-01 COB

Subject: H.R. 2925, LAW ENFORCEMENT AUTHORITY AT BUREAU OF RECLAMATION
FACILITIES

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
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RESPONSE:

Harriet E. Miers
 Assistant to the President
 and Staff Secretary
 Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

01 NOV 6 PM 10:20

November 6, 2001

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 2925 - Law Enforcement Authority at Bureau of Reclamation
Facilities
Sponsor: Rep. Calvert (R) California

Last Day for Action

November 14, 2001 - Wednesday

Purpose

Authorizes the Secretary of the Interior to provide law enforcement personnel to protect persons and property within Bureau of Reclamation facilities or land.

Agency Recommendations

Office of Management and Budget

Approval

Department of the Interior

Approval

Department of Justice

No objection (Informally)

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No objection (Informally)

Department of the Treasury

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National Security Council

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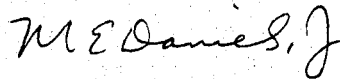
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Mitchell E. Daniels, Jr.
Director

Enclosures



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

NOV 2 2001

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Director, Office of Management and Budget
Attention: Assistant Director for Legislative Reference
Washington, DC 20503

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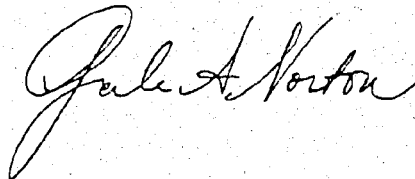
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Sincerely,



Enclosures

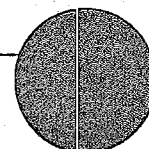
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 CONNECTION ID
 ST. TIME 11/07 00:59
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 PGS. SENT 5
 RESULT OK

SS/ RM NO. 499670

WHITE HOUSE STAFFING MEMORANDUM



Date: 11-6-01 ACTION / CONCURRENCE / COMMENT DUE BY: 11-7-01 COB

H.R. 2925, LAW ENFORCEMENT AUTHORITY AT BUREAU OF RECLAMATION

Subject: FACILITIES

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☒	☐	JOHNSON	☐	☐
CALIO	☒	☐	LINDSEY	☒	☐
CONNAUGHTON	☒	☐	MIERS	☐	☒
DANIELS	☐	☒	RICE	☐	☐
FLEISCHER	☐	☒	RIDGE	☒	☐
GERSON	☐	☐	ROVE	☒	☐
GONZALES	☒	☐	SPELLINGS	☒	☐
HAGIN	☐	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

PLEASE SEND COMMENTS TO STAFF SECRETARY NO LATER THAN COB WEDNESDAY,
 11-7-01. THANK YOU.

WHITE HOUSE STAFFING MEMORANDUM

Date: 11-6-01 ACTION / CONCURRENCE / COMMENT DUE BY: 11-7-01 COB

H.R. 2925, LAW ENFORCEMENT AUTHORITY AT BUREAU OF RECLAMATION
Subject: FACILITIES

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☒	☐	JOHNSON	☐	☐
CALIO	☒	☐	LINDSEY	☒	☐
CONNAUGHTON	☒	☐	MIERS	☐	☒
DANIELS	☐	☒	RICE	☐	☐
FLEISCHER	☐	☒	RIDGE	☒	☐
GERSON	☐	☐	ROVE	☒	☐
GONZALES	☒	☐	SPELLINGS	☒	☐
HAGIN	☐	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

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PLEASE SEND COMMENTS TO STAFF SECRETARY NO LATER THAN COB WEDNESDAY,
11-7-01. THANK YOU.

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D. C. 20503

01 NOV 6 10:20

November 6, 2001

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 2925 - Law Enforcement Authority at Bureau of Reclamation
Facilities
Sponsor: Rep. Calvert (R) California

Last Day for Action

November 14, 2001 - Wednesday

Purpose

Authorizes the Secretary of the Interior to provide law enforcement personnel to protect persons and property within Bureau of Reclamation facilities or land.

Agency Recommendations

Office of Management and Budget	Approval
Department of the Interior	Approval
Department of Justice	No objection (Informally)
Department of Labor	No objection (Informally)
Department of the Treasury	No objection (Informally)
National Security Council	No objection (Informally)
Department of Energy	No comment (Informally)
Office of Personnel Management	No comment (Informally)

Discussion

The Bureau of Reclamation of the Department of the Interior operates 348 reservoirs and 58 hydroelectric power plants that provide water and power to various parts of the country, as well as 300 recreation sites that attract over 90 million visitors annually. Under existing law, Reclamation does not have law enforcement personnel or authority needed to provide for public safety or security of Reclamation facilities or property (with the exception of the Hoover Dam). The enrolled bill, which is very similar to the Administration's September 26, 2001 legislative proposal, provides the Department with the necessary authority.

Provisions of H.R. 2925

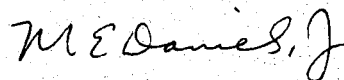
H.R. 2925 allows the Secretary of the Interior to authorize existing Interior law enforcement personnel, as well as other Federal (except Defense Department), State, Tribal, or local law enforcement personnel to act as law enforcement officers on Reclamation property. Non-Interior law enforcement personnel could be used, through contracts or cooperative agreements, when deemed to be economical and in the public interest. Under the enrolled bill, all law enforcement officers charged by the Secretary to protect Reclamation property would be authorized to carry firearms, execute warrants, make arrests, and conduct on-site investigations in certain circumstances.

H.R. 2925 directs the Secretary to issue regulations necessary to protect persons and facilities within Reclamation property with the approval of the Attorney General and establishes criminal penalties (fines and up to 6 months imprisonment) for individuals who violate these regulations. The enrolled bill establishes the legal status of non-federal law enforcement personnel when acting as law enforcement officers on Reclamation property. Finally, the enrolled bill provides that it will not diminish any existing Federal, State, Tribal, or local law enforcement authority or criminal or civil jurisdiction which otherwise applies to Reclamation facilities or land.

Conclusion and Recommendations

The Department of the Interior strongly recommends approval of H.R. 2925. Interior advises that "H.R. 2925 provides a very important addition to the Secretary's authority to provide for public safety and the security of facilities and resources under the management of the Bureau of Reclamation."

We join Interior in recommending the approval of H.R. 2925, which passed the House by voice vote and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

NOV 2 2001

Honorable Mitchell E. Daniels, Jr.
Director, Office of Management and Budget
Attention: Assistant Director for Legislative Reference
Washington, DC 20503

Dear Mr. Daniels:

This letter responds to your request for the views of the Department of the Interior with respect to enrolled bill H.R. 2925, a bill "to provide for the security of dams, facilities, and resources under the jurisdiction of the Bureau of Reclamation."

We strongly recommend that the President approve the enrolled bill.

With a few changes, which we believe are positive, the bill as passed is the same as the Administration proposal submitted by the Department to the Congress in September and which was introduced at the Administration's request. The bill is consistent with Administration policies and proposals to strengthen the Nation's ability to combat terrorism and would meet other law enforcement needs of the Bureau of Reclamation. Despite the Bureau's responsibility to manage and operate 348 dams and reservoirs and 58 hydroelectric power plants, some of them major and critical infrastructure sites, as well as 300 recreation sites with 90 million visits per year, Reclamation lacks adequate authority to enforce Federal law at its sites and facilities.

There continue to be incidents reported by Reclamation field offices regarding criminal acts on these lands and facilities that threaten public safety and property, including vandalism, hazardous materials dumping, damage to water management facilities, disturbances of the peace, trespass, and theft of cultural resources. Under existing law, the Secretary of the Interior does not have the law enforcement authority necessary to provide sufficiently for public safety or security of facilities and resources under the management of the Bureau of Reclamation.

The enrolled bill would authorize the Secretary of the Interior to provide for enforcement of Federal laws at Reclamation facilities and on Reclamation-administered lands through the use of existing Interior law enforcement authorities or by agreement with other Federal agencies having law enforcement authority or with State, Tribal, and local law enforcement agencies. The bill would authorize the Secretary to reimburse law enforcement agencies for their services.

Specifically, the enrolled bill would--

- allow the Secretary to authorize law enforcement personnel of the Department of the Interior and other federal agencies that have law enforcement authority (except the Department of Defense) to act as law enforcement officers to enforce federal laws on Reclamation lands and projects;

- allow the Secretary to authorize, through cooperative agreement or contract, law enforcement personnel from State and local police agencies, including tribal police, to act as law enforcement officers to enforce federal laws on Reclamation lands and projects;

- authorize reimbursement to State and local governments, including Indian Tribes, for expenditures incurred in connection with federal law enforcement activities on Reclamation lands; and

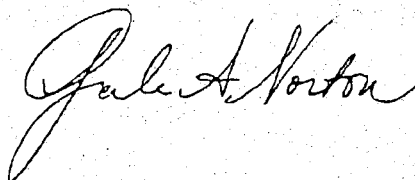
- further provide for cooperation in the enforcement of State or local laws on Reclamation lands.

The enrolled bill stipulates that the law enforcement personnel from State, tribal, or local police agencies acting under this new authority are not Federal employees and are not subject to Federal employment laws and benefits, with the following two exceptions: while working in the status of law enforcement officers by agreement with Reclamation under this bill, tribal, local, and State police personnel would be treated as Federal employees for purposes of the tort claim provisions of title 28 of the United States Code, and the compensation for work injury provisions of subchapter I, chapter 81 of title 5 of the United States Code. These provisions would not apply if the State or local officers were on Reclamation lands or facilities independently of fulfilling the terms of an agreement with Reclamation.

Finally, the enrolled bill provides that this legislation will not diminish any existing Federal, State, or local law enforcement authority or civil jurisdiction that otherwise extends to Reclamation projects and lands.

Enrolled bill H.R. 2925 provides a very important addition to the Secretary's authority to provide for public safety and the security of facilities and resources under the management of the Bureau of Reclamation and we strongly recommend that it be signed.

Sincerely,



Enclosures

WHITE HOUSE STAFFING MEMORANDUM

Date: 11-6-01 ACTION / CONCURRENCE / COMMENT DUE BY: 11-7-01 COB

H.R. 2925, LAW ENFORCEMENT AUTHORITY AT BUREAU OF RECLAMATION

Subject: FACILITIES

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☒	☐	JOHNSON	☐	☐
CALIO	☒	☐	LINDSEY	☒	☐
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DANIELS	☐	☒	RICE	☐	☐
FLEISCHER	☐	☒	RIDGE	☒	☐
GERSON	☐	☐	ROVE	☒	☐
GONZALES	☒	☐	SPELLINGS	☒	☐
HAGIN	☐	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

PLEASE SEND COMMENTS TO STAFF SECRETARY NO LATER THAN COB WEDNESDAY,
11-7-01. THANK YOU.

RESPONSE:

Sc AH

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D. C. 20503

01 NOV 06 PM 10:20

November 6, 2001

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 2925 - Law Enforcement Authority at Bureau of Reclamation
Facilities
Sponsor: Rep. Calvert (R) California

Last Day for Action

November 14, 2001 - Wednesday

Purpose

Authorizes the Secretary of the Interior to provide law enforcement personnel to protect persons and property within Bureau of Reclamation facilities or land.

Agency Recommendations

Office of Management and Budget	Approval
Department of the Interior	Approval
Department of Justice	No objection (Informally)
Department of Labor	No objection (Informally)
Department of the Treasury	No objection (Informally)
National Security Council	No objection (Informally)
Department of Energy	No comment (Informally)
Office of Personnel Management	No comment (Informally)

Discussion

The Bureau of Reclamation of the Department of the Interior operates 348 reservoirs and 58 hydroelectric power plants that provide water and power to various parts of the country, as well as 300 recreation sites that attract over 90 million visitors annually. Under existing law, Reclamation does not have law enforcement personnel or authority needed to provide for public safety or security of Reclamation facilities or property (with the exception of the Hoover Dam). The enrolled bill, which is very similar to the Administration's September 26, 2001 legislative proposal, provides the Department with the necessary authority.

Provisions of H.R. 2925

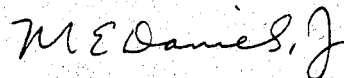
H.R. 2925 allows the Secretary of the Interior to authorize existing Interior law enforcement personnel, as well as other Federal (except Defense Department), State, Tribal, or local law enforcement personnel to act as law enforcement officers on Reclamation property. Non-Interior law enforcement personnel could be used, through contracts or cooperative agreements, when deemed to be economical and in the public interest. Under the enrolled bill, all law enforcement officers charged by the Secretary to protect Reclamation property would be authorized to carry firearms, execute warrants, make arrests, and conduct on-site investigations in certain circumstances.

H.R. 2925 directs the Secretary to issue regulations necessary to protect persons and facilities within Reclamation property with the approval of the Attorney General and establishes criminal penalties (fines and up to 6 months imprisonment) for individuals who violate these regulations. The enrolled bill establishes the legal status of non-federal law enforcement personnel when acting as law enforcement officers on Reclamation property. Finally, the enrolled bill provides that it will not diminish any existing Federal, State, Tribal, or local law enforcement authority or criminal or civil jurisdiction which otherwise applies to Reclamation facilities or land.

Conclusion and Recommendations

The Department of the Interior strongly recommends approval of H.R. 2925. Interior advises that "H.R. 2925 provides a very important addition to the Secretary's authority to provide for public safety and the security of facilities and resources under the management of the Bureau of Reclamation."

We join Interior in recommending the approval of H.R. 2925, which passed the House by voice vote and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

NOV 2 2001

Honorable Mitchell E. Daniels, Jr.
Director, Office of Management and Budget
Attention: Assistant Director for Legislative Reference
Washington, DC 20503

Dear Mr. Daniels:

This letter responds to your request for the views of the Department of the Interior with respect to enrolled bill H.R. 2925, a bill "to provide for the security of dams, facilities, and resources under the jurisdiction of the Bureau of Reclamation."

We strongly recommend that the President approve the enrolled bill.

With a few changes, which we believe are positive, the bill as passed is the same as the Administration proposal submitted by the Department to the Congress in September and which was introduced at the Administration's request. The bill is consistent with Administration policies and proposals to strengthen the Nation's ability to combat terrorism and would meet other law enforcement needs of the Bureau of Reclamation. Despite the Bureau's responsibility to manage and operate 348 dams and reservoirs and 58 hydroelectric power plants, some of them major and critical infrastructure sites, as well as 300 recreation sites with 90 million visits per year, Reclamation lacks adequate authority to enforce Federal law at its sites and facilities.

There continue to be incidents reported by Reclamation field offices regarding criminal acts on these lands and facilities that threaten public safety and property, including vandalism, hazardous materials dumping, damage to water management facilities, disturbances of the peace, trespass, and theft of cultural resources. Under existing law, the Secretary of the Interior does not have the law enforcement authority necessary to provide sufficiently for public safety or security of facilities and resources under the management of the Bureau of Reclamation.

The enrolled bill would authorize the Secretary of the Interior to provide for enforcement of Federal laws at Reclamation facilities and on Reclamation-administered lands through the use of existing Interior law enforcement authorities or by agreement with other Federal agencies having law enforcement authority or with State, Tribal, and local law enforcement agencies. The bill would authorize the Secretary to reimburse law enforcement agencies for their services.

Specifically, the enrolled bill would--

- allow the Secretary to authorize law enforcement personnel of the Department of the Interior and other federal agencies that have law enforcement authority (except the Department of Defense) to act as law enforcement officers to enforce federal laws on Reclamation lands and projects;

- allow the Secretary to authorize, through cooperative agreement or contract, law enforcement personnel from State and local police agencies, including tribal police, to act as law enforcement officers to enforce federal laws on Reclamation lands and projects;

- authorize reimbursement to State and local governments, including Indian Tribes, for expenditures incurred in connection with federal law enforcement activities on Reclamation lands; and

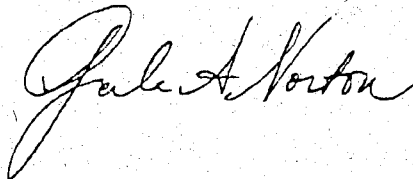
- further provide for cooperation in the enforcement of State or local laws on Reclamation lands.

The enrolled bill stipulates that the law enforcement personnel from State, tribal, or local police agencies acting under this new authority are not Federal employees and are not subject to Federal employment laws and benefits, with the following two exceptions: while working in the status of law enforcement officers by agreement with Reclamation under this bill, tribal, local, and State police personnel would be treated as Federal employees for purposes of the tort claim provisions of title 28 of the United States Code, and the compensation for work injury provisions of subchapter I, chapter 81 of title 5 of the United States Code. These provisions would not apply if the State or local officers were on Reclamation lands or facilities independently of fulfilling the terms of an agreement with Reclamation.

Finally, the enrolled bill provides that this legislation will not diminish any existing Federal, State, or local law enforcement authority or civil jurisdiction that otherwise extends to Reclamation projects and lands.

Enrolled bill H.R. 2925 provides a very important addition to the Secretary's authority to provide for public safety and the security of facilities and resources under the management of the Bureau of Reclamation and we strongly recommend that it be signed.

Sincerely,



Enclosures

SS/ RM NO. 499670

WHITE HOUSE STAFFING MEMORANDUM

Date: 11-6-01 ACTION / CONCURRENCE / COMMENT DUE BY: 11-7-01 COB

H.R. 2925, LAW ENFORCEMENT AUTHORITY AT BUREAU OF RECLAMATION
Subject: FACILITIES

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☒	☐	JOHNSON	☐	☐
CALIO	☒	☐	LINDSEY	☒	☐
CONNAUGHTON	☒	☐	MIERS	☐	☒
DANIELS	☐	☒	RICE	☐	☐
FLEISCHER	☐	☒	RIDGE	☒	☐
GERSON	☐	☐	ROVE	☒	☐
GONZALES	☒	☐	SPELLINGS	☒	☐
HAGIN	☐	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

PLEASE SEND COMMENTS TO STAFF SECRETARY NO LATER THAN COB WEDNESDAY,
11-7-01. THANK YOU.

RESPONSE:

n/f

No comments

n/f

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

WHITE HOUSE STAFFING MEMORANDUM

Date: 11-6-01

ACTION / CONCURRENCE / COMMENT DUE BY: 11-7-01 COB

H.R. 2925, LAW ENFORCEMENT AUTHORITY AT BUREAU OF RECLAMATION

Subject: FACILITIES

11/07/01 10:06

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☒	☐	JOHNSON	☐	☐
CALIO	☒	☐	LINDSEY	☒	☐
CONNAUGHTON	☒	☐	MIERS	☐	☒
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GERSON	☐	☐	ROVE	☒	☐
GONZALES	☒	☐	SPELLINGS	☒	☐
HAGIN	☐	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

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11-7-01. THANK YOU.

no comments

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D. C. 20503

01 NOV 6 PM 10:20

November 6, 2001

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 2925 - Law Enforcement Authority at Bureau of Reclamation
Facilities
Sponsor: Rep. Calvert (R) California

Last Day for Action

November 14, 2001 - Wednesday

Purpose

Authorizes the Secretary of the Interior to provide law enforcement personnel to protect persons and property within Bureau of Reclamation facilities or land.

Agency Recommendations

Office of Management and Budget	Approval
Department of the Interior	Approval
Department of Justice	No objection (Informally)
Department of Labor	No objection (Informally)
Department of the Treasury	No objection (Informally)
National Security Council	No objection (Informally)
Department of Energy	No comment (Informally)
Office of Personnel Management	No comment (Informally)

Discussion

The Bureau of Reclamation of the Department of the Interior operates 348 reservoirs and 58 hydroelectric power plants that provide water and power to various parts of the country, as well as 300 recreation sites that attract over 90 million visitors annually. Under existing law, Reclamation does not have law enforcement personnel or authority needed to provide for public safety or security of Reclamation facilities or property (with the exception of the Hoover Dam). The enrolled bill, which is very similar to the Administration's September 26, 2001 legislative proposal, provides the Department with the necessary authority.

Provisions of H.R. 2925

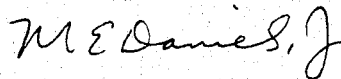
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Mitchell E. Daniels, Jr.
Director

Enclosures



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

NOV 2 2001

Honorable Mitchell E. Daniels, Jr.
Director, Office of Management and Budget
Attention: Assistant Director for Legislative Reference
Washington, DC 20503

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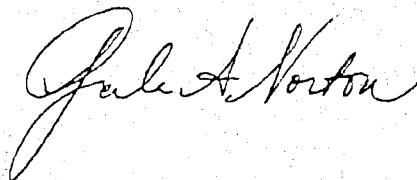
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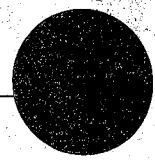
Enrolled bill H.R. 2925 provides a very important addition to the Secretary's authority to provide for public safety and the security of facilities and resources under the management of the Bureau of Reclamation and we strongly recommend that it be signed.

Sincerely,



Enclosures

SFB



WHITE HOUSE STAFFING MEMORANDUM

Date: 11-6-01 ACTION / CONCURRENCE / COMMENT DUE BY: 11-7-01 COB

H.R. 2925, LAW ENFORCEMENT AUTHORITY AT BUREAU OF RECLAMATION
Subject: FACILITIES

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
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CALIO	☒	☐	LINDSEY	☒	☐
CONNAUGHTON	☒	☐	MIERS	☐	☒
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FLEISCHER	☐	☒	RIDGE	☒	☐
GERSON	☐	☐	ROVE	☒	☐
GONZALES	☒	☐	SPELLINGS	☒	☐
HAGIN	☐	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

PLEASE SEND COMMENTS TO STAFF SECRETARY NO LATER THAN COB WEDNESDAY, 11-7-01. THANK YOU.

OK

SFB 11.7

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

01 NOV 6 PM 10:20

November 6, 2001

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 2925 - Law Enforcement Authority at Bureau of Reclamation
Facilities
Sponsor: Rep. Calvert (R) California

Last Day for Action

November 14, 2001 - Wednesday

Purpose

Authorizes the Secretary of the Interior to provide law enforcement personnel to protect persons and property within Bureau of Reclamation facilities or land.

Agency Recommendations

Office of Management and Budget	Approval
Department of the Interior	Approval
Department of Justice	No objection (Informally)
Department of Labor	No objection (Informally)
Department of the Treasury	No objection (Informally)
National Security Council	No objection (Informally)
Department of Energy	No comment (Informally)
Office of Personnel Management	No comment (Informally)

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Provisions of H.R. 2925

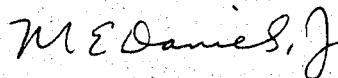
H.R. 2925 allows the Secretary of the Interior to authorize existing Interior law enforcement personnel, as well as other Federal (except Defense Department), State, Tribal, or local law enforcement personnel to act as law enforcement officers on Reclamation property. Non-Interior law enforcement personnel could be used, through contracts or cooperative agreements, when deemed to be economical and in the public interest. Under the enrolled bill, all law enforcement officers charged by the Secretary to protect Reclamation property would be authorized to carry firearms, execute warrants, make arrests, and conduct on-site investigations in certain circumstances.

H.R. 2925 directs the Secretary to issue regulations necessary to protect persons and facilities within Reclamation property with the approval of the Attorney General and establishes criminal penalties (fines and up to 6 months imprisonment) for individuals who violate these regulations. The enrolled bill establishes the legal status of non-federal law enforcement personnel when acting as law enforcement officers on Reclamation property. Finally, the enrolled bill provides that it will not diminish any existing Federal, State, Tribal, or local law enforcement authority or criminal or civil jurisdiction which otherwise applies to Reclamation facilities or land.

Conclusion and Recommendations

The Department of the Interior strongly recommends approval of H.R. 2925. Interior advises that "H.R. 2925 provides a very important addition to the Secretary's authority to provide for public safety and the security of facilities and resources under the management of the Bureau of Reclamation."

We join Interior in recommending the approval of H.R. 2925, which passed the House by voice vote and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

NOV 2 2001

Honorable Mitchell E. Daniels, Jr.
Director, Office of Management and Budget
Attention: Assistant Director for Legislative Reference
Washington, DC 20503

Dear Mr. Daniels:

This letter responds to your request for the views of the Department of the Interior with respect to enrolled bill H.R. 2925, a bill "to provide for the security of dams, facilities, and resources under the jurisdiction of the Bureau of Reclamation."

We strongly recommend that the President approve the enrolled bill.

With a few changes, which we believe are positive, the bill as passed is the same as the Administration proposal submitted by the Department to the Congress in September and which was introduced at the Administration's request. The bill is consistent with Administration policies and proposals to strengthen the Nation's ability to combat terrorism and would meet other law enforcement needs of the Bureau of Reclamation. Despite the Bureau's responsibility to manage and operate 348 dams and reservoirs and 58 hydroelectric power plants, some of them major and critical infrastructure sites, as well as 300 recreation sites with 90 million visits per year, Reclamation lacks adequate authority to enforce Federal law at its sites and facilities.

There continue to be incidents reported by Reclamation field offices regarding criminal acts on these lands and facilities that threaten public safety and property, including vandalism, hazardous materials dumping, damage to water management facilities, disturbances of the peace, trespass, and theft of cultural resources. Under existing law, the Secretary of the Interior does not have the law enforcement authority necessary to provide sufficiently for public safety or security of facilities and resources under the management of the Bureau of Reclamation.

The enrolled bill would authorize the Secretary of the Interior to provide for enforcement of Federal laws at Reclamation facilities and on Reclamation-administered lands through the use of existing Interior law enforcement authorities or by agreement with other Federal agencies having law enforcement authority or with State, Tribal, and local law enforcement agencies. The bill would authorize the Secretary to reimburse law enforcement agencies for their services.

Specifically, the enrolled bill would--

- allow the Secretary to authorize law enforcement personnel of the Department of the Interior and other federal agencies that have law enforcement authority (except the Department of Defense) to act as law enforcement officers to enforce federal laws on Reclamation lands and projects;

- allow the Secretary to authorize, through cooperative agreement or contract, law enforcement personnel from State and local police agencies, including tribal police, to act as law enforcement officers to enforce federal laws on Reclamation lands and projects;

- authorize reimbursement to State and local governments, including Indian Tribes, for expenditures incurred in connection with federal law enforcement activities on Reclamation lands; and

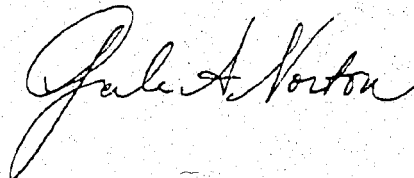
- further provide for cooperation in the enforcement of State or local laws on Reclamation lands.

The enrolled bill stipulates that the law enforcement personnel from State, tribal, or local police agencies acting under this new authority are not Federal employees and are not subject to Federal employment laws and benefits, with the following two exceptions: while working in the status of law enforcement officers by agreement with Reclamation under this bill, tribal, local, and State police personnel would be treated as Federal employees for purposes of the tort claim provisions of title 28 of the United States Code, and the compensation for work injury provisions of subchapter I, chapter 81 of title 5 of the United States Code. These provisions would not apply if the State or local officers were on Reclamation lands or facilities independently of fulfilling the terms of an agreement with Reclamation.

Finally, the enrolled bill provides that this legislation will not diminish any existing Federal, State, or local law enforcement authority or civil jurisdiction that otherwise extends to Reclamation projects and lands.

Enrolled bill H.R. 2925 provides a very important addition to the Secretary's authority to provide for public safety and the security of facilities and resources under the management of the Bureau of Reclamation and we strongly recommend that it be signed.

Sincerely,



Enclosures

WHITE HOUSE STAFFING MEMORANDUM

Date: 11-6-01 ACTION / CONCURRENCE / COMMENT DUE BY: 11-7-01 COB

H.R. 2925, LAW ENFORCEMENT AUTHORITY AT BUREAU OF RECLAMATION
Subject: FACILITIES

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☒	☐	JOHNSON	☐	☐
CALIO	☒	☐	LINDSEY	☒	☐
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FLEISCHER	☐	☒	RIDGE	☒	☐
GERSON	☐	☐	ROVE	☒	☐
GONZALES	☒	☐	SPELLINGS	☒	☐
HAGIN	☐	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

PLEASE SEND COMMENTS TO STAFF SECRETARY NO LATER THAN COB WEDNESDAY,
11-7-01. THANK YOU.

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

01 NOV 5 PM 10:20

November 6, 2001

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 2925 - Law Enforcement Authority at Bureau of Reclamation
Facilities
Sponsor: Rep. Calvert (R) California

Last Day for Action

November 14, 2001 - Wednesday

Purpose

Authorizes the Secretary of the Interior to provide law enforcement personnel to protect persons and property within Bureau of Reclamation facilities or land.

Agency Recommendations

Office of Management and Budget	Approval
Department of the Interior	Approval
Department of Justice	No objection (Informally)
Department of Labor	No objection (Informally)
Department of the Treasury	No objection (Informally)
National Security Council	No objection (Informally)
Department of Energy	No comment (Informally)
Office of Personnel Management	No comment (Informally)

Discussion

The Bureau of Reclamation of the Department of the Interior operates 348 reservoirs and 58 hydroelectric power plants that provide water and power to various parts of the country, as well as 300 recreation sites that attract over 90 million visitors annually. Under existing law, Reclamation does not have law enforcement personnel or authority needed to provide for public safety or security of Reclamation facilities or property (with the exception of the Hoover Dam). The enrolled bill, which is very similar to the Administration's September 26, 2001 legislative proposal, provides the Department with the necessary authority.

Provisions of H.R. 2925

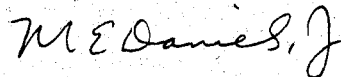
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H.R. 2925 directs the Secretary to issue regulations necessary to protect persons and facilities within Reclamation property with the approval of the Attorney General and establishes criminal penalties (fines and up to 6 months imprisonment) for individuals who violate these regulations. The enrolled bill establishes the legal status of non-federal law enforcement personnel when acting as law enforcement officers on Reclamation property. Finally, the enrolled bill provides that it will not diminish any existing Federal, State, Tribal, or local law enforcement authority or criminal or civil jurisdiction which otherwise applies to Reclamation facilities or land.

Conclusion and Recommendations

The Department of the Interior strongly recommends approval of H.R. 2925. Interior advises that "H.R. 2925 provides a very important addition to the Secretary's authority to provide for public safety and the security of facilities and resources under the management of the Bureau of Reclamation."

We join Interior in recommending the approval of H.R. 2925, which passed the House by voice vote and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

NOV 2 2001

Honorable Mitchell E. Daniels, Jr.
Director, Office of Management and Budget
Attention: Assistant Director for Legislative Reference
Washington, DC 20503

Dear Mr. Daniels:

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We strongly recommend that the President approve the enrolled bill.

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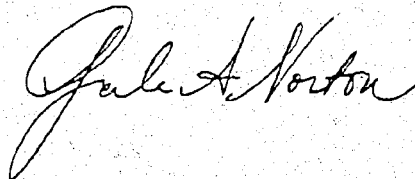
- further provide for cooperation in the enforcement of State or local laws on Reclamation lands.

The enrolled bill stipulates that the law enforcement personnel from State, tribal, or local police agencies acting under this new authority are not Federal employees and are not subject to Federal employment laws and benefits, with the following two exceptions: while working in the status of law enforcement officers by agreement with Reclamation under this bill, tribal, local, and State police personnel would be treated as Federal employees for purposes of the tort claim provisions of title 28 of the United States Code, and the compensation for work injury provisions of subchapter I, chapter 81 of title 5 of the United States Code. These provisions would not apply if the State or local officers were on Reclamation lands or facilities independently of fulfilling the terms of an agreement with Reclamation.

Finally, the enrolled bill provides that this legislation will not diminish any existing Federal, State, or local law enforcement authority or civil jurisdiction that otherwise extends to Reclamation projects and lands.

Enrolled bill H.R. 2925 provides a very important addition to the Secretary's authority to provide for public safety and the security of facilities and resources under the management of the Bureau of Reclamation and we strongly recommend that it be signed.

Sincerely,



Enclosures

SS/ F/M NO. 499670

WHITE HOUSE STAFFING MEMORANDUM

Kyle

Date: 11-6-01 ACTION / CONCURRENCE / COMMENT DUE BY: 11-7-01 COB

H.R. 2925, LAW ENFORCEMENT AUTHORITY AT BUREAU OF RECLAMATION
Subject: FACILITIES

01 NOV 7 PM 10:40

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☒	☐	JOHNSON	☐	☐
CALIO	☒	☐	LINDSEY	☒	☐
CONNAUGHTON	☒	☐	MIERS	☐	☒
DANIELS	☐	☒	RICE	☐	☐
FLEISCHER	☐	☒	RIDGE	☒	☐
GERSON	☐	☐	ROVE	☒	☐
GONZALES	☒	☐	SPELLINGS	☒	☐
HAGIN	☐	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

PLEASE SEND COMMENTS TO STAFF SECRETARY NO LATER THAN COB WEDNESDAY,
11-7-01. THANK YOU.

Counsel's office has no objection. K

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

WHITE HOUSE STAFFING MEMORANDUM

Kyle

Date: 11-6-01

ACTION / CONCURRENCE / COMMENT DUE BY: 11-7-01 COB

H.R. 2925, LAW ENFORCEMENT AUTHORITY AT BUREAU OF RECLAMATION
 Subject: FACILITIES

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Harriet E. Miers
 Assistant to the President
 and Staff Secretary
 Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

01 NOV 6 PM 10:20

November 6, 2001

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 2925 - Law Enforcement Authority at Bureau of Reclamation
Facilities
Sponsor: Rep. Calvert (R) California

Last Day for Action

November 14, 2001 - Wednesday

Purpose

Authorizes the Secretary of the Interior to provide law enforcement personnel to protect persons and property within Bureau of Reclamation facilities or land.

Agency Recommendations

Office of Management and Budget

Approval

Department of the Interior

Approval

Department of Justice

No objection (Informally)

Department of Labor

No objection (Informally)

Department of the Treasury

No objection (Informally)

National Security Council

No objection (Informally)

Department of Energy

No comment (Informally)

Office of Personnel Management

No comment (Informally)

Discussion

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Provisions of H.R. 2925

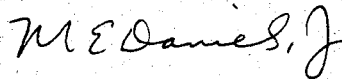
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Mitchell E. Daniels, Jr.
Director

Enclosures



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

NOV 2 2001

Honorable Mitchell E. Daniels, Jr.
Director, Office of Management and Budget
Attention: Assistant Director for Legislative Reference
Washington, DC 20503

Dear Mr. Daniels:

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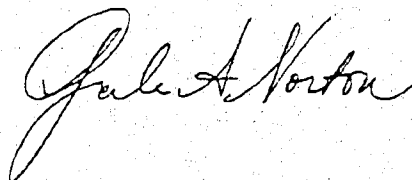
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Sincerely,



Enclosures

WHITE HOUSE STAFFING MEMORANDUM

Date: 11-6-01 ACTION / CONCURRENCE / COMMENT DUE BY: 11-7-01 COB

H.R. 2925, LAW ENFORCEMENT AUTHORITY AT BUREAU OF RECLAMATION
Subject: FACILITIES

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
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GERSON	☐	☐	ROVE	☒	☐
GONZALES	☒	☐	SPELLINGS	☒	☐
HAGIN	☐	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

PLEASE SEND COMMENTS TO STAFF SECRETARY NO LATER THAN COB WEDNESDAY, 11-7-01. THANK YOU.

RESPONSE:

Legislation Affair (Howard) - ok

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

01 NOV 6 PM 10:20

November 6, 2001

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 2925 - Law Enforcement Authority at Bureau of Reclamation
Facilities
Sponsor: Rep. Calvert (R) California

Last Day for Action

November 14, 2001 - Wednesday

Purpose

Authorizes the Secretary of the Interior to provide law enforcement personnel to protect persons and property within Bureau of Reclamation facilities or land.

Agency Recommendations

Office of Management and Budget

Approval

Department of the Interior

Approval

Department of Justice

No objection (Informally)

Department of Labor

No objection (Informally)

Department of the Treasury

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National Security Council

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Department of Energy

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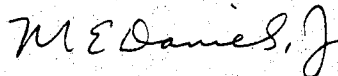
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Director

Enclosures



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

NOV 2 2001

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Director, Office of Management and Budget
Attention: Assistant Director for Legislative Reference
Washington, DC 20503

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- allow the Secretary to authorize, through cooperative agreement or contract, law enforcement personnel from State and local police agencies, including tribal police, to act as law enforcement officers to enforce federal laws on Reclamation lands and projects;

- authorize reimbursement to State and local governments, including Indian Tribes, for expenditures incurred in connection with federal law enforcement activities on Reclamation lands; and

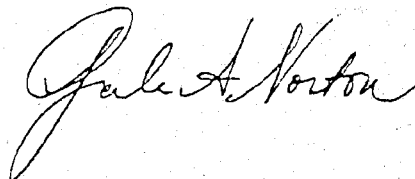
- further provide for cooperation in the enforcement of State or local laws on Reclamation lands.

The enrolled bill stipulates that the law enforcement personnel from State, tribal, or local police agencies acting under this new authority are not Federal employees and are not subject to Federal employment laws and benefits, with the following two exceptions: while working in the status of law enforcement officers by agreement with Reclamation under this bill, tribal, local, and State police personnel would be treated as Federal employees for purposes of the tort claim provisions of title 28 of the United States Code, and the compensation for work injury provisions of subchapter I, chapter 81 of title 5 of the United States Code. These provisions would not apply if the State or local officers were on Reclamation lands or facilities independently of fulfilling the terms of an agreement with Reclamation.

Finally, the enrolled bill provides that this legislation will not diminish any existing Federal, State, or local law enforcement authority or civil jurisdiction that otherwise extends to Reclamation projects and lands.

Enrolled bill H.R. 2925 provides a very important addition to the Secretary's authority to provide for public safety and the security of facilities and resources under the management of the Bureau of Reclamation and we strongly recommend that it be signed.

Sincerely,



Enclosures

One Hundred Seventh Congress
of the
United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Wednesday,
the third day of January, two thousand and one*

An Act

To amend the Reclamation Recreation Management Act of 1992 in order to provide for the security of dams, facilities, and resources under the jurisdiction of the Bureau of Reclamation.

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

SECTION. 1. LAW ENFORCEMENT AUTHORITY AT BUREAU OF RECLAMATION FACILITIES.

(a) **PUBLIC SAFETY REGULATIONS.**—The Secretary of the Interior shall issue regulations necessary to maintain law and order and protect persons and property within Reclamation projects and on Reclamation lands.

(b) **VIOLATIONS; CRIMINAL PENALTIES.**—Any person who knowingly and willfully violates any regulation issued under subsection (a) shall be fined under chapter 227, subchapter C of title 18, United States Code, imprisoned for not more than 6 months, or both. Any person charged with a violation of a regulation issued under subsection (a) may be tried and sentenced by any United States magistrate judge designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions and limitations as provided for in section 3401 of title 18, United States Code.

(c) **AUTHORIZATION OF LAW ENFORCEMENT OFFICERS.**—The Secretary of the Interior may—

(1) authorize law enforcement personnel from the Department of the Interior to act as law enforcement officers to enforce Federal laws and regulations within a Reclamation project or on Reclamation lands;

(2) authorize law enforcement personnel of any other Federal agency that has law enforcement authority (with the exception of the Department of Defense) or law enforcement personnel of any State or local government, including an Indian tribe, when deemed economical and in the public interest, through cooperative agreement or contract, to act as law enforcement officers to enforce Federal laws and regulations within a Reclamation project or on Reclamation lands with such enforcement powers as may be so assigned to them by the Secretary;

(3) cooperate with any State or local government, including an Indian tribe, in the enforcement of the laws or ordinances of that State or local government; and

(4) provide reimbursement to a State or local government, including an Indian tribe, for expenditures incurred in connection with activities under paragraph (2).

(d) **POWERS OF LAW ENFORCEMENT OFFICERS.**—A law enforcement officer authorized by the Secretary of the Interior under subsection (c) may—

(1) carry firearms within a Reclamation project or on Reclamation lands;

(2) make arrests without warrants for—

(A) any offense against the United States committed in his presence; or

(B) any felony cognizable under the laws of the United States if he has—

(i) reasonable grounds to believe that the person to be arrested has committed or is committing such a felony; and

(ii) such arrest occurs within a Reclamation project or on Reclamation lands or the person to be arrested is fleeing therefrom to avoid arrest;

(3) execute within a Reclamation project or on Reclamation lands any warrant or other process issued by a court or officer of competent jurisdiction for the enforcement of the provisions of any Federal law or regulation issued pursuant to law for any offense committed within a Reclamation project or on Reclamation lands; and

(4) conduct investigations within a Reclamation project or on Reclamation lands of offenses against the United States committed within a Reclamation project or on Reclamation lands if the Federal law enforcement agency having investigative jurisdiction over the offense committed declines to investigate the offense.

(e) **LEGAL STATUS OF STATE OR LOCAL LAW ENFORCEMENT OFFICERS.**—

(1) **STATE OR LOCAL OFFICERS NOT FEDERAL EMPLOYEES.**—

Except as otherwise provided in this section, a law enforcement officer of any State or local government, including an Indian tribe, authorized to act as a law enforcement officer under subsection (c) shall not be deemed to be a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, employment discrimination, leave, unemployment compensation, and Federal benefits.

(2) **APPLICATION OF FEDERAL TORT CLAIMS ACT.**—For purposes of chapter 171 of title 28, United States Code (commonly known as the Federal Tort Claims Act), a law enforcement officer of any State or local government, including an Indian tribe, shall, when acting as a law enforcement officer under subsection (c) and while under Federal supervision and control, and only when carrying out Federal law enforcement responsibilities, be considered a Federal employee.

(3) **AVAILABILITY OF WORKERS COMPENSATION.**—For purposes of subchapter I of chapter 81 of title 5, United States Code, relating to compensation to Federal employees for work injuries, a law enforcement officer of any State or local government, including an Indian tribe, shall, when acting as a law enforcement officer under subsection (c) and while under Federal supervision and control, and only when carrying out Federal law enforcement responsibilities, be deemed a civil service employee of the United States within the meaning of the term employee as defined in section 8101 of title 5, and the provisions

of that subchapter shall apply. Benefits under such subchapter shall be reduced by the amount of any entitlement to State or local workers compensation benefits arising out of the same injury or death.

(f) CONCURRENT JURISDICTION.—Nothing in this section shall be construed or applied to limit or restrict the investigative jurisdiction of any Federal law enforcement agency, or to affect any existing right of a State or local government, including an Indian tribe, to exercise civil and criminal jurisdiction within a Reclamation project or on Reclamation lands.

(g) REGULATIONS.—Except for the authority provided in section 2(c)(1), the law enforcement authorities provided for in this section may be exercised only pursuant to regulations issued by the Secretary of the Interior and approved by the Attorney General.

SEC. 2. DEFINITIONS.

In this Act:

(1) LAW ENFORCEMENT PERSONNEL.—The term “law enforcement personnel” means an employee of a Federal, State, or local government agency, including an Indian tribal agency, who has successfully completed law enforcement training approved by the Secretary and is authorized to carry firearms, make arrests, and execute service of process to enforce criminal laws of his or her employing jurisdiction.

(2) RECLAMATION PROJECT; RECLAMATION LANDS.—The terms “Reclamation project” and “Reclamation lands” have the meaning given such terms in section 2803 of the Reclamation Projects Authorization and Adjustment Act of 1992 (16 U.S.C. 4601–32).

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

WHITE HOUSE STAFFING MEMORANDUM

Date: 11-6-01 ACTION / CONCURRENCE / COMMENT DUE BY: 11-7-01 COBH.R. 2925, LAW ENFORCEMENT AUTHORITY AT BUREAU OF RECLAMATION
Subject: FACILITIES

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT <i>N/C</i>	☒	☐	HUBBARD <i>N/C</i>	☒	☐
CARD <i>ok</i>	☒	☐	HUGHES	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN <i>N/C</i>	☒	☐	JOHNSON	☐	☐
CALIO <i>ok</i>	☒	☐	LINDSEY <i>ok</i>	☒	☐
CONNAUGHTON <i>N/C</i>	☒	☐	MIERS	☐	☒
DANIELS <i>(by telephone)</i>	☐	☒	RICE	☐	☐
FLEISCHER	☐	☒	RIDGE	☒	☐
GERSON	☐	☐	ROVE <i>N/C</i>	☒	☐
GONZALES <i>no objection</i>	☒	☐	SPELLINGS <i>ok</i>	☒	☐
HAGIN	☐	☐	CLERK	☐	☒
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

PLEASE SEND COMMENTS TO STAFF SECRETARY NO LATER THAN COB WEDNESDAY,
11-7-01. THANK YOU.

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



OFFICE OF THE VICE PRESIDENT
WASHINGTON

'01 NOV 7 PM 7:55

November 7, 2001

MEMORANDUM FOR HARRIET MIERS
STAFF SECRETARY

FROM: JONATHAN BURKS 
DEPUTY STAFF SECRETARY TO THE VICE PRESIDENT

SUBJECT: HR 2925, Law Enforcement Authority at Bureau of
Reclamation and Facilities

The Office of the Vice President has reviewed the above-referenced draft and has no comments.

WHITE HOUSE STAFFING MEMORANDUM

Date: 11-6-01

ACTION / CONCURRENCE / COMMENT DUE BY: 11-7-01 COB

H.R. 2925, LAW ENFORCEMENT AUTHORITY AT BUREAU OF RECLAMATION

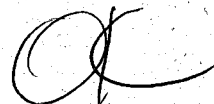
Subject: FACILITIES

01 NOV 7 PM 10:43

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☒	☐	JOHNSON	☐	☐
CALIO	☒	☐	LINDSEY	☒	☐
CONNAUGHTON	☒	☐	MIERS	☐	☒
DANIELS	☐	☒	RICE	☐	☐
FLEISCHER	☐	☒	RIDGE	☒	☐
GERSON	☐	☐	ROVE	☒	☐
GONZALES	☒	☐	SPELLINGS →	☒	☐
HAGIN	☐	☐	CLERK	☐	☒
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

PLEASE SEND COMMENTS TO STAFF SECRETARY NO LATER THAN COB WEDNESDAY,
11-7-01. THANK YOU.



RESPONSE:

*Diana
Kistine*

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

01 NOV 6 PM 10:20

November 6, 2001

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 2925 - Law Enforcement Authority at Bureau of Reclamation
Facilities
Sponsor: Rep. Calvert (R) California

Last Day for Action

November 14, 2001 - Wednesday

Purpose

Authorizes the Secretary of the Interior to provide law enforcement personnel to protect persons and property within Bureau of Reclamation facilities or land.

Agency Recommendations

Office of Management and Budget

Approval

Department of the Interior

Approval

Department of Justice

No objection (Informally)

Department of Labor

No objection (Informally)

Department of the Treasury

No objection (Informally)

National Security Council

No objection (Informally)

Department of Energy

No comment (Informally)

Office of Personnel Management

No comment (Informally)

Discussion

The Bureau of Reclamation of the Department of the Interior operates 348 reservoirs and 58 hydroelectric power plants that provide water and power to various parts of the country, as well as 300 recreation sites that attract over 90 million visitors annually. Under existing law, Reclamation does not have law enforcement personnel or authority needed to provide for public safety or security of Reclamation facilities or property (with the exception of the Hoover Dam). The enrolled bill, which is very similar to the Administration's September 26, 2001 legislative proposal, provides the Department with the necessary authority.

Provisions of H.R. 2925

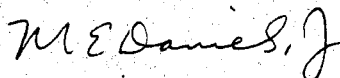
H.R. 2925 allows the Secretary of the Interior to authorize existing Interior law enforcement personnel, as well as other Federal (except Defense Department), State, Tribal, or local law enforcement personnel to act as law enforcement officers on Reclamation property. Non-Interior law enforcement personnel could be used, through contracts or cooperative agreements, when deemed to be economical and in the public interest. Under the enrolled bill, all law enforcement officers charged by the Secretary to protect Reclamation property would be authorized to carry firearms, execute warrants, make arrests, and conduct on-site investigations in certain circumstances.

H.R. 2925 directs the Secretary to issue regulations necessary to protect persons and facilities within Reclamation property with the approval of the Attorney General and establishes criminal penalties (fines and up to 6 months imprisonment) for individuals who violate these regulations. The enrolled bill establishes the legal status of non-federal law enforcement personnel when acting as law enforcement officers on Reclamation property. Finally, the enrolled bill provides that it will not diminish any existing Federal, State, Tribal, or local law enforcement authority or criminal or civil jurisdiction which otherwise applies to Reclamation facilities or land.

Conclusion and Recommendations

The Department of the Interior strongly recommends approval of H.R. 2925. Interior advises that "H.R. 2925 provides a very important addition to the Secretary's authority to provide for public safety and the security of facilities and resources under the management of the Bureau of Reclamation."

We join Interior in recommending the approval of H.R. 2925, which passed the House by voice vote and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

NOV 2 2001

Honorable Mitchell E. Daniels, Jr.
Director, Office of Management and Budget
Attention: Assistant Director for Legislative Reference
Washington, DC 20503

Dear Mr. Daniels:

This letter responds to your request for the views of the Department of the Interior with respect to enrolled bill H.R. 2925, a bill "to provide for the security of dams, facilities, and resources under the jurisdiction of the Bureau of Reclamation."

We strongly recommend that the President approve the enrolled bill.

With a few changes, which we believe are positive, the bill as passed is the same as the Administration proposal submitted by the Department to the Congress in September and which was introduced at the Administration's request. The bill is consistent with Administration policies and proposals to strengthen the Nation's ability to combat terrorism and would meet other law enforcement needs of the Bureau of Reclamation. Despite the Bureau's responsibility to manage and operate 348 dams and reservoirs and 58 hydroelectric power plants, some of them major and critical infrastructure sites, as well as 300 recreation sites with 90 million visits per year, Reclamation lacks adequate authority to enforce Federal law at its sites and facilities.

There continue to be incidents reported by Reclamation field offices regarding criminal acts on these lands and facilities that threaten public safety and property, including vandalism, hazardous materials dumping, damage to water management facilities, disturbances of the peace, trespass, and theft of cultural resources. Under existing law, the Secretary of the Interior does not have the law enforcement authority necessary to provide sufficiently for public safety or security of facilities and resources under the management of the Bureau of Reclamation.

The enrolled bill would authorize the Secretary of the Interior to provide for enforcement of Federal laws at Reclamation facilities and on Reclamation-administered lands through the use of existing Interior law enforcement authorities or by agreement with other Federal agencies having law enforcement authority or with State, Tribal, and local law enforcement agencies. The bill would authorize the Secretary to reimburse law enforcement agencies for their services.

Specifically, the enrolled bill would--

- allow the Secretary to authorize law enforcement personnel of the Department of the Interior and other federal agencies that have law enforcement authority (except the Department of Defense) to act as law enforcement officers to enforce federal laws on Reclamation lands and projects;

- allow the Secretary to authorize, through cooperative agreement or contract, law enforcement personnel from State and local police agencies, including tribal police, to act as law enforcement officers to enforce federal laws on Reclamation lands and projects;

- authorize reimbursement to State and local governments, including Indian Tribes, for expenditures incurred in connection with federal law enforcement activities on Reclamation lands; and

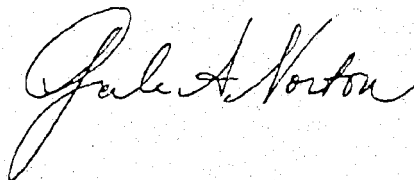
- further provide for cooperation in the enforcement of State or local laws on Reclamation lands.

The enrolled bill stipulates that the law enforcement personnel from State, tribal, or local police agencies acting under this new authority are not Federal employees and are not subject to Federal employment laws and benefits, with the following two exceptions: while working in the status of law enforcement officers by agreement with Reclamation under this bill, tribal, local, and State police personnel would be treated as Federal employees for purposes of the tort claim provisions of title 28 of the United States Code, and the compensation for work injury provisions of subchapter I, chapter 81 of title 5 of the United States Code. These provisions would not apply if the State or local officers were on Reclamation lands or facilities independently of fulfilling the terms of an agreement with Reclamation.

Finally, the enrolled bill provides that this legislation will not diminish any existing Federal, State, or local law enforcement authority or civil jurisdiction that otherwise extends to Reclamation projects and lands.

Enrolled bill H.R. 2925 provides a very important addition to the Secretary's authority to provide for public safety and the security of facilities and resources under the management of the Bureau of Reclamation and we strongly recommend that it be signed.

Sincerely,



Enclosures

WHITE HOUSE STAFFING MEMORANDUM

Date: 11-6-01 ACTION / CONCURRENCE / COMMENT DUE BY: 11-7-01 COB

H.R. 2925, LAW ENFORCEMENT AUTHORITY AT BUREAU OF RECLAMATION
Subject: FACILITIES

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☒	☐	JOHNSON	☐	☐
CALIO	☒	☐	LINDSEY	☒	☐
CONNAUGHTON	☒	☐	MIERS	☐	☒
DANIELS	☐	☒	RICE	☐	☐
FLEISCHER	☐	☒	RIDGE	☒	☐
GERSON	☐	☐	ROVE	☒	☐
GONZALES	☒	☐	SPELLINGS	☒	☐
HAGIN	☐	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

PLEASE SEND COMMENTS TO STAFF SECRETARY NO LATER THAN COB WEDNESDAY,
11-7-01. THANK YOU.

OK with NEC-ET.

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

'01 NOV 6 PM 10:20

November 6, 2001

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 2925 - Law Enforcement Authority at Bureau of Reclamation
Facilities
Sponsor: Rep. Calvert (R) California

Last Day for Action

November 14, 2001 - Wednesday

Purpose

Authorizes the Secretary of the Interior to provide law enforcement personnel to protect persons and property within Bureau of Reclamation facilities or land.

Agency Recommendations

Office of Management and Budget	Approval
Department of the Interior	Approval
Department of Justice	No objection (Informally)
Department of Labor	No objection (Informally)
Department of the Treasury	No objection (Informally)
National Security Council	No objection (Informally)
Department of Energy	No comment (Informally)
Office of Personnel Management	No comment (Informally)

Discussion

The Bureau of Reclamation of the Department of the Interior operates 348 reservoirs and 58 hydroelectric power plants that provide water and power to various parts of the country, as well as 300 recreation sites that attract over 90 million visitors annually. Under existing law, Reclamation does not have law enforcement personnel or authority needed to provide for public safety or security of Reclamation facilities or property (with the exception of the Hoover Dam). The enrolled bill, which is very similar to the Administration's September 26, 2001 legislative proposal, provides the Department with the necessary authority.

Provisions of H.R. 2925

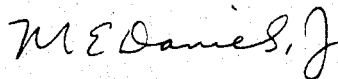
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H.R. 2925 directs the Secretary to issue regulations necessary to protect persons and facilities within Reclamation property with the approval of the Attorney General and establishes criminal penalties (fines and up to 6 months imprisonment) for individuals who violate these regulations. The enrolled bill establishes the legal status of non-federal law enforcement personnel when acting as law enforcement officers on Reclamation property. Finally, the enrolled bill provides that it will not diminish any existing Federal, State, Tribal, or local law enforcement authority or criminal or civil jurisdiction which otherwise applies to Reclamation facilities or land.

Conclusion and Recommendations

The Department of the Interior strongly recommends approval of H.R. 2925. Interior advises that "H.R. 2925 provides a very important addition to the Secretary's authority to provide for public safety and the security of facilities and resources under the management of the Bureau of Reclamation."

We join Interior in recommending the approval of H.R. 2925, which passed the House by voice vote and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

NOV 2 2001

Honorable Mitchell E. Daniels, Jr.
Director, Office of Management and Budget
Attention: Assistant Director for Legislative Reference
Washington, DC 20503

Dear Mr. Daniels:

This letter responds to your request for the views of the Department of the Interior with respect to enrolled bill H.R. 2925, a bill "to provide for the security of dams, facilities, and resources under the jurisdiction of the Bureau of Reclamation."

We strongly recommend that the President approve the enrolled bill.

With a few changes, which we believe are positive, the bill as passed is the same as the Administration proposal submitted by the Department to the Congress in September and which was introduced at the Administration's request. The bill is consistent with Administration policies and proposals to strengthen the Nation's ability to combat terrorism and would meet other law enforcement needs of the Bureau of Reclamation. Despite the Bureau's responsibility to manage and operate 348 dams and reservoirs and 58 hydroelectric power plants, some of them major and critical infrastructure sites, as well as 300 recreation sites with 90 million visits per year, Reclamation lacks adequate authority to enforce Federal law at its sites and facilities.

There continue to be incidents reported by Reclamation field offices regarding criminal acts on these lands and facilities that threaten public safety and property, including vandalism, hazardous materials dumping, damage to water management facilities, disturbances of the peace, trespass, and theft of cultural resources. Under existing law, the Secretary of the Interior does not have the law enforcement authority necessary to provide sufficiently for public safety or security of facilities and resources under the management of the Bureau of Reclamation.

The enrolled bill would authorize the Secretary of the Interior to provide for enforcement of Federal laws at Reclamation facilities and on Reclamation-administered lands through the use of existing Interior law enforcement authorities or by agreement with other Federal agencies having law enforcement authority or with State, Tribal, and local law enforcement agencies. The bill would authorize the Secretary to reimburse law enforcement agencies for their services.

Specifically, the enrolled bill would--

- allow the Secretary to authorize law enforcement personnel of the Department of the Interior and other federal agencies that have law enforcement authority (except the Department of Defense) to act as law enforcement officers to enforce federal laws on Reclamation lands and projects;

- allow the Secretary to authorize, through cooperative agreement or contract, law enforcement personnel from State and local police agencies, including tribal police, to act as law enforcement officers to enforce federal laws on Reclamation lands and projects;

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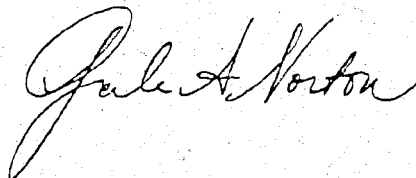
- further provide for cooperation in the enforcement of State or local laws on Reclamation lands.

The enrolled bill stipulates that the law enforcement personnel from State, tribal, or local police agencies acting under this new authority are not Federal employees and are not subject to Federal employment laws and benefits, with the following two exceptions: while working in the status of law enforcement officers by agreement with Reclamation under this bill, tribal, local, and State police personnel would be treated as Federal employees for purposes of the tort claim provisions of title 28 of the United States Code, and the compensation for work injury provisions of subchapter I, chapter 81 of title 5 of the United States Code. These provisions would not apply if the State or local officers were on Reclamation lands or facilities independently of fulfilling the terms of an agreement with Reclamation.

Finally, the enrolled bill provides that this legislation will not diminish any existing Federal, State, or local law enforcement authority or civil jurisdiction that otherwise extends to Reclamation projects and lands.

Enrolled bill H.R. 2925 provides a very important addition to the Secretary's authority to provide for public safety and the security of facilities and resources under the management of the Bureau of Reclamation and we strongly recommend that it be signed.

Sincerely,



Enclosures



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

NOV 2 2001

Honorable Mitchell E. Daniels, Jr.
Director, Office of Management and Budget
Attention: Assistant Director for Legislative Reference
Washington, DC 20503

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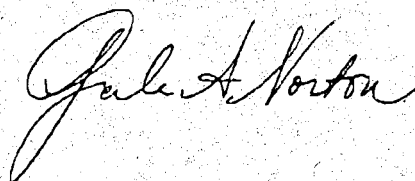
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Sincerely,



Enclosures

One Hundred Seventh Congress of the United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Wednesday,
the third day of January, two thousand and one*

An Act

To amend the Reclamation Recreation Management Act of 1992 in order to provide for the security of dams, facilities, and resources under the jurisdiction of the Bureau of Reclamation.

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

SECTION. 1. LAW ENFORCEMENT AUTHORITY AT BUREAU OF RECLAMATION FACILITIES.

(a) PUBLIC SAFETY REGULATIONS.—The Secretary of the Interior shall issue regulations necessary to maintain law and order and protect persons and property within Reclamation projects and on Reclamation lands.

(b) VIOLATIONS; CRIMINAL PENALTIES.—Any person who knowingly and willfully violates any regulation issued under subsection (a) shall be fined under chapter 227, subchapter C of title 18, United States Code, imprisoned for not more than 6 months, or both. Any person charged with a violation of a regulation issued under subsection (a) may be tried and sentenced by any United States magistrate judge designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions and limitations as provided for in section 3401 of title 18, United States Code.

(c) AUTHORIZATION OF LAW ENFORCEMENT OFFICERS.—The Secretary of the Interior may—

(1) authorize law enforcement personnel from the Department of the Interior to act as law enforcement officers to enforce Federal laws and regulations within a Reclamation project or on Reclamation lands;

(2) authorize law enforcement personnel of any other Federal agency that has law enforcement authority (with the exception of the Department of Defense) or law enforcement personnel of any State or local government, including an Indian tribe, when deemed economical and in the public interest, through cooperative agreement or contract, to act as law enforcement officers to enforce Federal laws and regulations within a Reclamation project or on Reclamation lands with such enforcement powers as may be so assigned to them by the Secretary;

(3) cooperate with any State or local government, including an Indian tribe, in the enforcement of the laws or ordinances of that State or local government; and

(4) provide reimbursement to a State or local government, including an Indian tribe, for expenditures incurred in connection with activities under paragraph (2).

THE WHITE HOUSE

of that subchapter shall apply. Benefits under such subchapter shall be reduced by the amount of any entitlement to State or local workers compensation benefits arising out of the same injury or death.

(f) CONCURRENT JURISDICTION.—Nothing in this section shall be construed or applied to limit or restrict the investigative jurisdiction of any Federal law enforcement agency, or to affect any existing right of a State or local government, including an Indian tribe, to exercise civil and criminal jurisdiction within a Reclamation project or on Reclamation lands.

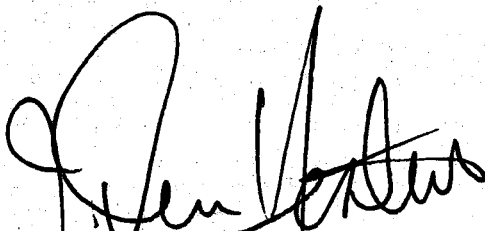
(g) REGULATIONS.—Except for the authority provided in section 2(c)(1), the law enforcement authorities provided for in this section may be exercised only pursuant to regulations issued by the Secretary of the Interior and approved by the Attorney General.

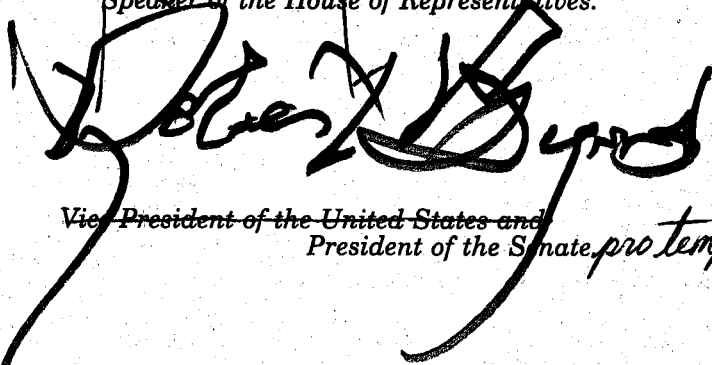
SEC. 2. DEFINITIONS.

In this Act:

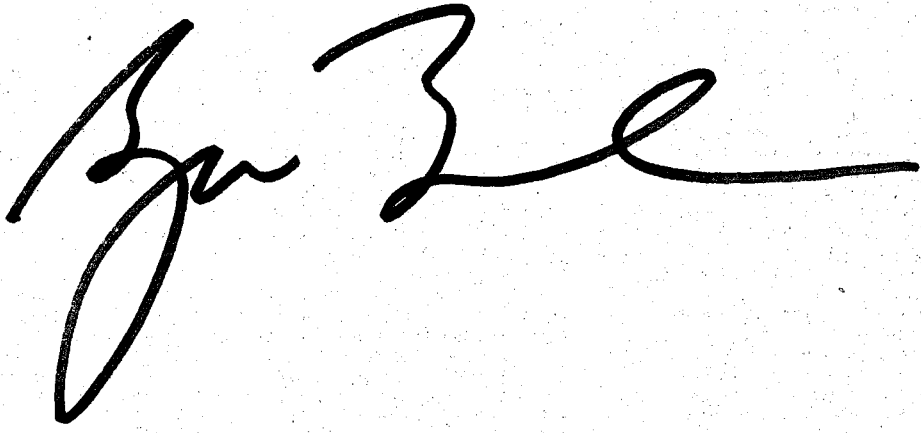
(1) LAW ENFORCEMENT PERSONNEL.—The term “law enforcement personnel” means an employee of a Federal, State, or local government agency, including an Indian tribal agency, who has successfully completed law enforcement training approved by the Secretary and is authorized to carry firearms, make arrests, and execute service of process to enforce criminal laws of his or her employing jurisdiction.

(2) RECLAMATION PROJECT; RECLAMATION LANDS.—The terms “Reclamation project” and “Reclamation lands” have the meaning given such terms in section 2803 of the Reclamation Projects Authorization and Adjustment Act of 1992 (16 U.S.C. 4601–32).


Speaker of the House of Representatives.


Vice President of the United States and
President of the Senate *pro tempore*.

APPROVED
NOV 12 2001



WHITE HOUSE STAFFING MEMORANDUM

Date: 11-6-01 ACTION / CONCURRENCE / COMMENT DUE BY: 11-7-01 COB

Subject: H.R. 2925, LAW ENFORCEMENT AUTHORITY AT BUREAU OF RECLAMATION
FACILITIES

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☒	☐	JOHNSON	☐	☐
CALIO	☒	☐	LINDSEY	☒	☐
CONNAUGHTON	☒	☐	MIERS	☐	☒
DANIELS	☐	☒	RICE	☐	☐
FLEISCHER	☐	☒	RIDGE	☒	☐
GERSON	☐	☐	ROVE	☒	☐
GONZALES	☒	☐	SPELLINGS	☒	☐
HAGIN	☐	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

PLEASE SEND COMMENTS TO STAFF SECRETARY NO LATER THAN COB WEDNESDAY, 11-7-01. THANK YOU.

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

01 NOV 6 PM 10:20

November 6, 2001

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 2925 - Law Enforcement Authority at Bureau of Reclamation
Facilities
Sponsor: Rep. Calvert (R) California

Last Day for Action

November 14, 2001 - Wednesday

Purpose

Authorizes the Secretary of the Interior to provide law enforcement personnel to protect persons and property within Bureau of Reclamation facilities or land.

Agency Recommendations

Office of Management and Budget

Approval

Department of the Interior

Approval

Department of Justice

No objection (Informally)

Department of Labor

No objection (Informally)

Department of the Treasury

No objection (Informally)

National Security Council

No objection (Informally)

Department of Energy

No comment (Informally)

Office of Personnel Management

No comment (Informally)

Discussion

The Bureau of Reclamation of the Department of the Interior operates 348 reservoirs and 58 hydroelectric power plants that provide water and power to various parts of the country, as well as 300 recreation sites that attract over 90 million visitors annually. Under existing law, Reclamation does not have law enforcement personnel or authority needed to provide for public safety or security of Reclamation facilities or property (with the exception of the Hoover Dam). The enrolled bill, which is very similar to the Administration's September 26, 2001 legislative proposal, provides the Department with the necessary authority.

Provisions of H.R. 2925

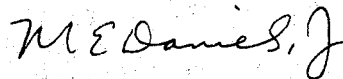
H.R. 2925 allows the Secretary of the Interior to authorize existing Interior law enforcement personnel, as well as other Federal (except Defense Department), State, Tribal, or local law enforcement personnel to act as law enforcement officers on Reclamation property. Non-Interior law enforcement personnel could be used, through contracts or cooperative agreements, when deemed to be economical and in the public interest. Under the enrolled bill, all law enforcement officers charged by the Secretary to protect Reclamation property would be authorized to carry firearms, execute warrants, make arrests, and conduct on-site investigations in certain circumstances.

H.R. 2925 directs the Secretary to issue regulations necessary to protect persons and facilities within Reclamation property with the approval of the Attorney General and establishes criminal penalties (fines and up to 6 months imprisonment) for individuals who violate these regulations. The enrolled bill establishes the legal status of non-federal law enforcement personnel when acting as law enforcement officers on Reclamation property. Finally, the enrolled bill provides that it will not diminish any existing Federal, State, Tribal, or local law enforcement authority or criminal or civil jurisdiction which otherwise applies to Reclamation facilities or land.

Conclusion and Recommendations

The Department of the Interior strongly recommends approval of H.R. 2925. Interior advises that "H.R. 2925 provides a very important addition to the Secretary's authority to provide for public safety and the security of facilities and resources under the management of the Bureau of Reclamation."

We join Interior in recommending the approval of H.R. 2925, which passed the House by voice vote and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

NOV 2 2001

Honorable Mitchell E. Daniels, Jr.
Director, Office of Management and Budget
Attention: Assistant Director for Legislative Reference
Washington, DC 20503

Dear Mr. Daniels:

This letter responds to your request for the views of the Department of the Interior with respect to enrolled bill H.R. 2925, a bill "to provide for the security of dams, facilities, and resources under the jurisdiction of the Bureau of Reclamation."

We strongly recommend that the President approve the enrolled bill.

With a few changes, which we believe are positive, the bill as passed is the same as the Administration proposal submitted by the Department to the Congress in September and which was introduced at the Administration's request. The bill is consistent with Administration policies and proposals to strengthen the Nation's ability to combat terrorism and would meet other law enforcement needs of the Bureau of Reclamation. Despite the Bureau's responsibility to manage and operate 348 dams and reservoirs and 58 hydroelectric power plants, some of them major and critical infrastructure sites, as well as 300 recreation sites with 90 million visits per year, Reclamation lacks adequate authority to enforce Federal law at its sites and facilities.

There continue to be incidents reported by Reclamation field offices regarding criminal acts on these lands and facilities that threaten public safety and property, including vandalism, hazardous materials dumping, damage to water management facilities, disturbances of the peace, trespass, and theft of cultural resources. Under existing law, the Secretary of the Interior does not have the law enforcement authority necessary to provide sufficiently for public safety or security of facilities and resources under the management of the Bureau of Reclamation.

The enrolled bill would authorize the Secretary of the Interior to provide for enforcement of Federal laws at Reclamation facilities and on Reclamation-administered lands through the use of existing Interior law enforcement authorities or by agreement with other Federal agencies having law enforcement authority or with State, Tribal, and local law enforcement agencies. The bill would authorize the Secretary to reimburse law enforcement agencies for their services.

Specifically, the enrolled bill would--

- allow the Secretary to authorize law enforcement personnel of the Department of the Interior and other federal agencies that have law enforcement authority (except the Department of Defense) to act as law enforcement officers to enforce federal laws on Reclamation lands and projects;

- allow the Secretary to authorize, through cooperative agreement or contract, law enforcement personnel from State and local police agencies, including tribal police, to act as law enforcement officers to enforce federal laws on Reclamation lands and projects;

- authorize reimbursement to State and local governments, including Indian Tribes, for expenditures incurred in connection with federal law enforcement activities on Reclamation lands; and

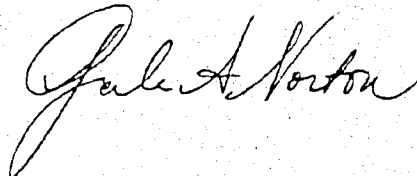
- further provide for cooperation in the enforcement of State or local laws on Reclamation lands.

The enrolled bill stipulates that the law enforcement personnel from State, tribal, or local police agencies acting under this new authority are not Federal employees and are not subject to Federal employment laws and benefits, with the following two exceptions: while working in the status of law enforcement officers by agreement with Reclamation under this bill, tribal, local, and State police personnel would be treated as Federal employees for purposes of the tort claim provisions of title 28 of the United States Code, and the compensation for work injury provisions of subchapter I, chapter 81 of title 5 of the United States Code. These provisions would not apply if the State or local officers were on Reclamation lands or facilities independently of fulfilling the terms of an agreement with Reclamation.

Finally, the enrolled bill provides that this legislation will not diminish any existing Federal, State, or local law enforcement authority or civil jurisdiction that otherwise extends to Reclamation projects and lands.

Enrolled bill H.R. 2925 provides a very important addition to the Secretary's authority to provide for public safety and the security of facilities and resources under the management of the Bureau of Reclamation and we strongly recommend that it be signed.

Sincerely,



Enclosures



THE ENROLLED BILL IS HERE
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D. C. 20503

11/12
01 NOV 6 PM 10:20

November 6, 2001

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

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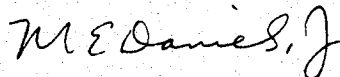
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Mitchell E. Daniels, Jr.
Director

Enclosures