

Calendar No. 675

110TH CONGRESS
2D SESSION**H. R. 1662****[Report No. 110-323]**

IN THE SENATE OF THE UNITED STATES

DECEMBER 5, 2007

Received; read twice and referred to the Committee on Energy and Natural
Resources

APRIL 10, 2008

Reported by Mr. BINGAMAN, without amendment

AN ACT

To authorize the Secretary of the Interior to seek limited reimbursement for site security activities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Bureau of Reclamation
5 Site Security Costs Act of 2007”.

1 **SEC. 2. TREATMENT OF CAPITAL COSTS.**

2 Costs incurred by the Secretary of the Interior for
3 the physical fortification of Bureau of Reclamation facili-
4 ties to satisfy increased post-September 11, 2001, security
5 needs, including the construction, modification, upgrade,
6 or replacement of such facility fortifications, shall be non-
7 reimbursable.

8 **SEC. 3. TREATMENT OF SECURITY-RELATED OPERATION**
9 **AND MAINTENANCE COSTS.**

10 (a) REIMBURSABLE COSTS.—The Secretary of the
11 Interior shall include no more than \$18,900,000 per fiscal
12 year, indexed each fiscal year after fiscal year 2008 ac-
13 cording to the preceding year's Consumer Price Index, of
14 those costs incurred for increased levels of guards and pa-
15 trols, training, patrols by local and tribal law enforcement
16 entities, operation, maintenance, and replacement of
17 guard and response force equipment, and operation and
18 maintenance of facility fortifications at Bureau of Rec-
19 lamation facilities after the events of September 11, 2001,
20 as reimbursable operation and maintenance costs under
21 Reclamation law.

22 (b) COSTS COLLECTED THROUGH WATER RATES.—
23 In the case of the Central Valley Project of California,
24 site security costs allocated to irrigation and municipal
25 and industrial water service in accordance with this Act
26 shall be collected by the Secretary exclusively through in-

1 clusion of these costs in the operation and maintenance
2 water rates.

3 **SEC. 4. TRANSPARENCY AND REPORT TO CONGRESS.**

4 (a) **POLICIES AND PROCEDURES.**—The Secretary is
5 authorized to develop policies and procedures with project
6 beneficiaries, consistent with the requirements of sub-
7 sections (b) and (c), to provide for the payment of the
8 reimbursable costs described in section 3.

9 (b) **NOTICE.**—On identifying a Bureau of Reclama-
10 tion facility for a site security measure, the Secretary shall
11 provide to the project beneficiaries written notice—

12 (1) describing the need for the site security
13 measure and the process for identifying and imple-
14 menting the site security measure; and

15 (2) summarizing the administrative and legal
16 requirements relating to the site security measure.

17 (c) **CONSULTATION.**—The Secretary shall—

18 (1) provide project beneficiaries an opportunity
19 to consult with the Bureau of Reclamation on the
20 planning, design, and construction of the site secu-
21 rity measure; and

22 (2) in consultation with project beneficiaries,
23 develop and provide timeframes for the consultation
24 described in paragraph (1).

1 (d) RESPONSE; NOTICE.—Before incurring costs pur-
2 suant to activities described in section 3, the Secretary
3 shall consider cost containment measures recommended by
4 a project beneficiary that has elected to consult with the
5 Bureau of Reclamation on such activities. The Secretary
6 shall provide to the project beneficiary—

7 (1) a timely written response describing pro-
8 posed actions, if any, to address the recommenda-
9 tion; and

10 (2) notice regarding the costs and status of
11 such activities on a periodic basis.

12 (e) REPORT.—The Secretary shall report annually to
13 the Natural Resources Committee of the House of Rep-
14 resentatives and the Energy and Natural Resources Com-
15 mittee of the Senate on site security actions and activities
16 undertaken pursuant to this Act for each fiscal year. The
17 report shall include a summary of Federal and non-Fed-
18 eral expenditures for the fiscal year and information relat-
19 ing to a 5-year planning horizon for the program, detailed
20 to show pre-September 11, 2001, and post-September 11,
21 2001, costs for the site security activities.

22 **SEC. 5. PRE-SEPTEMBER 11, 2001 SECURITY COST LEVELS.**

23 Reclamation project security costs at the levels of ac-
24 tivity that existed prior to September 11, 2001, shall re-
25 main reimbursable.

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