

Calendar No. 513

113TH CONGRESS
2D SESSION

S. 1800

[Report No. 113–226]

To require the Secretary of the Interior to submit to Congress a report on the efforts of the Bureau of Reclamation to manage its infrastructure assets.

IN THE SENATE OF THE UNITED STATES

DECEMBER 11, 2013

Mr. BARRASSO (for himself and Mr. SCHATZ) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

JULY 31, 2014

Reported by Ms. LANDRIEU, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

A BILL

To require the Secretary of the Interior to submit to Congress a report on the efforts of the Bureau of Reclamation to manage its infrastructure assets.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Bureau of Reclamation
3 Transparency Act”.

4 **SEC. 2. FINDINGS.**

5 Congress finds that—

6 (1) the water resources infrastructure of the
7 Bureau of Reclamation provides important benefits
8 related to irrigated agriculture, hydropower, and
9 recreation in the 17 Reclamation States;

10 (2) as of 2013, the combined replacement value
11 of the infrastructure assets of the Bureau of Rec-
12 lamation was \$94,500,000,000;

13 (3) the majority of the water resources infra-
14 structure facilities of the Bureau of Reclamation are
15 at least 60 years old;

16 (4) the Bureau of Reclamation has previously
17 undertaken efforts to better manage the assets of
18 the Bureau of Reclamation, including an annual re-
19 view of asset maintenance activities of the Bureau of
20 Reclamation known as the “Asset Management
21 Plan”; and

22 (5) actionable information on infrastructure
23 conditions at the project level, including information
24 on maintenance needs and potential public safety
25 threats at individual projects due to aging infra-
26 structure, is needed for Congress to conduct over-

1 sight of Reclamation facilities and meet the needs of
 2 the public.

3 **SEC. 3. DEFINITIONS.**

4 In this Act:

5 (1) **ASSET MANAGEMENT REPORT.**—The term
 6 “Asset Management Report” means—

7 (A) the annual plan prepared by the Bu-
 8 reau of Reclamation known as the “Asset Man-
 9 agement Plan”; and

10 (B) any publicly available information re-
 11 lating to the plan described in subparagraph
 12 (A) that summarizes the efforts of the Bureau
 13 of Reclamation to evaluate and manage infra-
 14 structure assets of the Bureau of Reclamation.

15 (2) **MAJOR REPAIR AND REHABILITATION**
 16 **NEED.**—The term “major repair and rehabilitation
 17 need” means a significant maintenance need at a
 18 Reclamation facility, including maintenance related
 19 to the safety of dams, extraordinary operations at
 20 and maintenance of dams, deferred maintenance,
 21 and all other significant repairs and extraordinary
 22 maintenance.

23 (3) **RECLAMATION FACILITY.**—The term “Ree-
 24 lamation facility” means each of the infrastructure

1 assets that are owned by the Bureau of Reclamation
 2 at a Reclamation project.

3 ~~(4) RECLAMATION PROJECT.~~—The term “Ree-
 4 lamation project” means a project that is owned by
 5 the Bureau of Reclamation, including all reserved
 6 works and transferred works owned by the Bureau
 7 of Reclamation.

8 ~~(5) SECRETARY.~~—The term “Secretary” means
 9 the Secretary of the Interior.

10 **SEC. 4. ASSET MANAGEMENT REPORT ENHANCEMENTS.**

11 ~~(a) IN GENERAL.~~—Not later than 2 years after the
 12 date of enactment of this Act, the Secretary shall submit
 13 to Congress a report that—

14 ~~(1)~~ describes the efforts of the Bureau of Ree-
 15 lamation—

16 ~~(A)~~ to manage all Reclamation facilities;
 17 and

18 ~~(B)~~ to standardize and streamline data re-
 19 porting and processes across regions and areas
 20 for the purpose of managing Reclamation facili-
 21 ties; and

22 ~~(2)~~ expands on the information otherwise pro-
 23 vided in Asset Management Reports, in accordance
 24 with subsection (b).

1 (b) INFRASTRUCTURE MAINTENANCE NEEDS AS-
2 SESSMENT.—

3 (1) IN GENERAL.—The report submitted under
4 subsection (a) shall include—

5 (A) a detailed assessment of major repair
6 and rehabilitation needs at all Reclamation
7 projects; and

8 (B) to the extent practicable, an itemized
9 list of major repair and rehabilitation needs of
10 individual Reclamation facilities at each Rec-
11 lamation project.

12 (2) INCLUSIONS.—To the extent practicable,
13 the itemized list of major repair and rehabilitation
14 needs under paragraph (1)(B) shall include—

15 (A) a cost estimate of the expenditures
16 needed to complete each item; and

17 (B) an assignment of a categorical rating
18 of 1, 2, 3, 4, or 5 for each item, consistent with
19 paragraph (3).

20 (3) RATING REQUIREMENTS.—

21 (A) IN GENERAL.—The system for assign-
22 ing ratings under paragraph (2)(B) shall be—

23 (i) consistent with existing uniform
24 categorization systems for the safety of
25 dams projects; and

1 (ii) subject to any regulations issued
 2 under subparagraph (B).

3 (B) REGULATIONS.—As soon as prac-
 4 ticable after the date of enactment of this Act,
 5 the Secretary shall issue regulations that de-
 6 scribe the applicability of the rating system ap-
 7 plicable under paragraph (2)(B) to Reclamation
 8 facilities.

9 (4) PUBLIC AVAILABILITY.—Except as provided
 10 in paragraph (5), the Secretary shall make publically
 11 available, including on the Internet, the report re-
 12 quired under subsection (a).

13 (5) CONFIDENTIALITY.—Subject to the discre-
 14 tion of the Secretary, the Secretary may exclude
 15 from the public version of the report made available
 16 under paragraph (4) any information that the Sec-
 17 retary identifies as sensitive or classified, but shall
 18 make available to the Committee on Energy and
 19 Natural Resources of the Senate and the Committee
 20 on Natural Resources of the House of Representa-
 21 tives a version of the report containing the sensitive
 22 or classified information.

23 (e) UPDATES.—Not later than 2 years after the date
 24 on which the report is submitted under subsection (a) and

1 biennially thereafter, the Secretary shall update the re-
 2 port, subject to the requirements of subsection (b).

3 (d) CONSULTATION.—The Secretary shall consult
 4 with the Secretary of the Army (acting through the Chief
 5 of Engineers) to the extent that the consultation would
 6 assist the Secretary in preparing the report under sub-
 7 section (a) and updates to the report under subsection (c).

8 **SECTION 1. SHORT TITLE.**

9 *This Act may be cited as the “Bureau of Reclamation*
 10 *Transparency Act”.*

11 **SEC. 2. FINDINGS.**

12 *Congress finds that—*

13 *(1) the water resources infrastructure of the Bu-*
 14 *reau of Reclamation provides important benefits re-*
 15 *lated to irrigated agriculture, municipal and indus-*
 16 *trial water, hydropower, flood control, fish and wild-*
 17 *life, and recreation in the 17 Reclamation States;*

18 *(2) as of 2013, the combined replacement value*
 19 *of the infrastructure assets of the Bureau of Reclama-*
 20 *tion was \$94,500,000,000;*

21 *(3) the majority of the water resources infra-*
 22 *structure facilities of the Bureau of Reclamation are*
 23 *at least 60 years old;*

24 *(4) the Bureau of Reclamation has previously*
 25 *undertaken efforts to better manage the assets of the*

1 *Bureau of Reclamation, including an annual review*
2 *of asset maintenance activities of the Bureau of Rec-*
3 *lamation known as the “Asset Management Plan”;*
4 *and*

5 *(5) actionable information on infrastructure con-*
6 *ditions at the asset level, including information on*
7 *maintenance needs at individual assets due to aging*
8 *infrastructure, is needed for Congress to conduct over-*
9 *sight of Reclamation facilities and meet the needs of*
10 *the public.*

11 **SEC. 3. DEFINITIONS.**

12 *In this Act:*

13 *(1) ASSET.—*

14 *(A) IN GENERAL.—The term “asset” means*
15 *any of the following assets that are used to*
16 *achieve the mission of the Bureau of Reclama-*
17 *tion to manage, develop, and protect water and*
18 *related resources in an environmentally and eco-*
19 *nomically sound manner in the interest of the*
20 *people of the United States:*

21 *(i) Capitalized facilities, buildings,*
22 *structures, project features, power produc-*
23 *tion equipment, recreation facilities, or*
24 *quarters.*

1 (ii) Capitalized and noncapitalized
2 heavy equipment and other installed equip-
3 ment.

4 (B) INCLUSIONS.—The term “asset” in-
5 cludes assets described in subparagraph (A) that
6 are considered to be mission critical.

7 (2) ASSET MANAGEMENT REPORT.—The term
8 “Asset Management Report” means—

9 (A) the annual plan prepared by the Bu-
10 reau of Reclamation known as the “Asset Man-
11 agement Plan”; and

12 (B) any publicly available information re-
13 lating to the plan described in subparagraph (A)
14 that summarizes the efforts of the Bureau of Rec-
15 lamation to evaluate and manage infrastructure
16 assets of the Bureau of Reclamation.

17 (3) MAJOR REPAIR AND REHABILITATION
18 NEED.—The term “major repair and rehabilitation
19 need” means major nonrecurring maintenance at a
20 Reclamation facility, including maintenance related
21 to the safety of dams, extraordinary maintenance of
22 dams, deferred major maintenance activities, and all
23 other significant repairs and extraordinary mainte-
24 nance.

1 (4) *RECLAMATION FACILITY.*—*The term “Rec-*
2 *lamation facility” means each of the infrastructure*
3 *assets that are owned by the Bureau of Reclamation*
4 *at a Reclamation project.*

5 (5) *RECLAMATION PROJECT.*—*The term “Rec-*
6 *lamation project” means a project that is owned by*
7 *the Bureau of Reclamation, including all reserved*
8 *works and transferred works owned by the Bureau of*
9 *Reclamation.*

10 (6) *RESERVED WORKS.*—*The term “reserved*
11 *works” means buildings, structures, facilities, or*
12 *equipment that are owned by the Bureau of Reclama-*
13 *tion for which operations and maintenance are per-*
14 *formed by employees of the Bureau of Reclamation or*
15 *through a contract entered into by the Bureau of Rec-*
16 *lamation, regardless of the source of funding for the*
17 *operations and maintenance.*

18 (7) *SECRETARY.*—*The term “Secretary” means*
19 *the Secretary of the Interior.*

20 (8) *TRANSFERRED WORKS.*—*The term “trans-*
21 *ferred works” means a Reclamation facility at which*
22 *operations and maintenance of the facility is carried*
23 *out by a non-Federal entity under the provisions of*
24 *a formal operations and maintenance transfer con-*

1 *tract or other legal agreement with the Bureau of Rec-*
 2 *lamation.*

3 **SEC. 4. ASSET MANAGEMENT REPORT ENHANCEMENTS FOR**
 4 **RESERVED WORKS.**

5 *(a) IN GENERAL.—Not later than 2 years after the*
 6 *date of enactment of this Act, the Secretary shall submit*
 7 *to Congress an Asset Management Report that—*

8 *(1) describes the efforts of the Bureau of Rec-*
 9 *lamation—*

10 *(A) to maintain in a reliable manner all*
 11 *reserved works at Reclamation facilities; and*

12 *(B) to standardize and streamline data re-*
 13 *porting and processes across regions and areas*
 14 *for the purpose of maintaining reserved works at*
 15 *Reclamation facilities; and*

16 *(2) expands on the information otherwise pro-*
 17 *vided in an Asset Management Report, in accordance*
 18 *with subsection (b).*

19 *(b) INFRASTRUCTURE MAINTENANCE NEEDS ASSESS-*
 20 *MENT.—*

21 *(1) IN GENERAL.—The Asset Management Re-*
 22 *port submitted under subsection (a) shall include—*

23 *(A) a detailed assessment of major repair*
 24 *and rehabilitation needs for all reserved works at*
 25 *all Reclamation projects; and*

1 (B) to the extent practicable, an itemized
 2 list of major repair and rehabilitation needs of
 3 individual Reclamation facilities at each Rec-
 4 lamation project.

5 (2) *INCLUSIONS.*—To the extent practicable, the
 6 itemized list of major repair and rehabilitation needs
 7 under paragraph (1)(B) shall include—

8 (A) a budget level cost estimate of the ap-
 9 propriations needed to complete each item; and

10 (B) an assignment of a categorical rating
 11 for each item, consistent with paragraph (3).

12 (3) *RATING REQUIREMENTS.*—

13 (A) *IN GENERAL.*—The system for assigning
 14 ratings under paragraph (2)(B) shall be—

15 (i) consistent with existing uniform
 16 categorization systems to inform the annual
 17 budget process and agency requirements;
 18 and

19 (ii) subject to the guidance and in-
 20 structions issued under subparagraph (B).

21 (B) *GUIDANCE.*—As soon as practicable
 22 after the date of enactment of this Act, the Sec-
 23 retary shall issue guidance that describes the ap-
 24 plicability of the rating system applicable under
 25 paragraph (2)(B) to Reclamation facilities.

1 (4) *PUBLIC AVAILABILITY.*—*Except as provided*
2 *in paragraph (5), the Secretary shall make publically*
3 *available, including on the Internet, the Asset Man-*
4 *agement Report required under subsection (a).*

5 (5) *CONFIDENTIALITY.*—*Subject to the discretion*
6 *of the Secretary, the Secretary may exclude from the*
7 *public version of the Asset Management Report made*
8 *available under paragraph (4) any information that*
9 *the Secretary identifies as sensitive or classified, but*
10 *shall make available to the Committee on Energy and*
11 *Natural Resources of the Senate and the Committee*
12 *on Natural Resources of the House of Representatives*
13 *a version of the report containing the sensitive or*
14 *classified information.*

15 (c) *UPDATES.*—*Not later than 2 years after the date*
16 *on which the Asset Management Report is submitted under*
17 *subsection (a) and biennially thereafter, the Secretary shall*
18 *update the Asset Management Report, subject to the require-*
19 *ments of section 5(b)(2).*

20 (d) *CONSULTATION.*—*The Secretary shall consult with*
21 *the Secretary of the Army (acting through the Chief of En-*
22 *gineers) to the extent that the consultation would assist the*
23 *Secretary in preparing the Asset Management Report under*
24 *subsection (a) and updates to the Asset Management Report*
25 *under subsection (c).*

1 **SEC. 5. ASSET MANAGEMENT REPORT ENHANCEMENTS FOR**
2 **TRANSFERRED WORKS.**

3 (a) *IN GENERAL.*—*The Secretary shall coordinate with*
4 *the non-Federal entities responsible for the operation and*
5 *maintenance of transferred works in developing reporting*
6 *requirements for Asset Management Reports with respect to*
7 *the condition of, and planned maintenance for, transferred*
8 *works that are similar to the reporting requirements de-*
9 *scribed in section 4(b)*

10 (b) *GUIDANCE.*—

11 (1) *IN GENERAL.*—*After considering input from*
12 *water and power contractors of the Bureau of Rec-*
13 *lamation, the Secretary shall develop and implement*
14 *a rating system for transferred works that incor-*
15 *porates, to the maximum extent practicable, the rat-*
16 *ing system for reserved works developed under section*
17 *4(b)(3).*

18 (2) *UPDATES.*—*The ratings system developed*
19 *under paragraph (1) shall be included in the updated*
20 *Asset Management Reports under section 4(c).*

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[Report No. 113-226]

A BILL

To require the Secretary of the Interior to submit to Congress a report on the efforts of the Bureau of Reclamation to manage its infrastructure assets.

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Reported with an amendment