

Union Calendar No. 279

114TH CONGRESS
1ST SESSION

H. R. 1107

[Report No. 114-366]

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 HOUSE OF REPRESENTATIVES

FEBRUARY 26, 2015

Mr. GOSAR (for himself, Mr. AMODEI, Mr. BARTON, Mr. CARTWRIGHT, Mr. COFFMAN, Mr. FRANKS of Arizona, Mr. GARAMENDI, Mr. HARDY, Mr. HECK of Nevada, Mr. HUFFMAN, Mrs. KIRKPATRICK, Mr. TED LIEU of California, Mrs. LUMMIS, Mr. MCCLINTOCK, Mr. MILLER of Florida, Mr. PEARCE, Mr. SALMON, Mr. TIPTON, Mr. ZINKE, Mr. DENHAM, Mrs. NAPOLITANO, and Ms. SINEMA) introduced the following bill; which was referred to the Committee on Natural Resources

DECEMBER 3, 2015

Additional sponsors: Ms. MCSALLY, Mr. GIBSON, Mr. POCAN, and Mr. COSTA

DECEMBER 3, 2015

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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

[For text of introduced bill, see copy of bill as introduced on February 26, 2015]

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,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Bureau of Reclamation*
5 *Transparency Act”.*

6 **SEC. 2. FINDINGS.**

7 *Congress finds that—*

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

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

16 (3) *the majority of the water resources infra-*
17 *structure facilities of the Bureau of Reclamation are*
18 *at least 60 years old;*

19 (4) *the Bureau of Reclamation has previously*
20 *undertaken efforts to better manage the assets of the*
21 *Bureau of Reclamation, including an annual review*
22 *of asset maintenance activities of the Bureau of Rec-*
23 *lamation known as the “Asset Management Plan”;*
24 *and*

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

7 **SEC. 3. DEFINITIONS.**

8 *In this Act:*

9 (1) *ASSET.*—

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

17 (i) *Capitalized facilities, buildings,*
18 *structures, project features, power produc-*
19 *tion equipment, recreation facilities, or*
20 *quarters.*

21 (ii) *Capitalized and noncapitalized*
22 *heavy equipment and other installed equip-*
23 *ment.*

1 (B) *INCLUSIONS.*—*The term “asset” in-*
2 *cludes assets described in subparagraph (A) that*
3 *are considered to be mission critical.*

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

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

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

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

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

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

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

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

16 (8) *TRANSFERRED WORKS.*—*The term “trans-*
17 *ferred works” means a Reclamation facility at which*
18 *operations and maintenance of the facility is carried*
19 *out by a non-Federal entity under the provisions of*
20 *a formal operations and maintenance transfer con-*
21 *tract or other legal agreement with the Bureau of Rec-*
22 *lamation.*

1 **SEC. 4. ASSET MANAGEMENT REPORT ENHANCEMENTS FOR**
2 **RESERVED WORKS.**

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

6 (1) describes the efforts of the Bureau of Rec-
7 lamation—

8 (A) to maintain in a reliable manner all
9 reserved works at Reclamation facilities; and

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

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

17 (b) *INFRASTRUCTURE MAINTENANCE NEEDS ASSESS-*
18 *MENT.*—

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

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

24 (B) to the extent practicable, an itemized
25 list of major repair and rehabilitation needs of

1 *individual Reclamation facilities at each Rec-*
2 *lamation project.*

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

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

8 (B) *an assignment of a categorical rating*
9 *for each item, consistent with paragraph (3).*

10 (3) *RATING REQUIREMENTS.—*

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

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

17 (ii) *subject to the guidance and in-*
18 *structions issued under subparagraph (B).*

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

24 (4) *PUBLIC AVAILABILITY.—Except as provided*
25 *in paragraph (5), the Secretary shall make publicly*

1 *available, including on the Internet, the Asset Man-*
2 *agement Report required under subsection (a).*

3 (5) *CONFIDENTIALITY.*—*The Secretary may ex-*
4 *clude from the public version of the Asset Manage-*
5 *ment Report made available under paragraph (4)*
6 *any information that the Secretary identifies as sen-*
7 *sitive or classified, but shall make available to the*
8 *Committee on Energy and Natural Resources of the*
9 *Senate and the Committee on Natural Resources of*
10 *the House of Representatives a version of the report*
11 *containing the sensitive or classified information.*

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

17 (d) *CONSULTATION.*—*To the extent that such consulta-*
18 *tion would assist the Secretary in preparing the Asset Man-*
19 *agement Report under subsection (a) and updates to the*
20 *Asset Management Report under subsection (c), the Sec-*
21 *retary shall consult with—*

22 (1) *the Secretary of the Army (acting through*
23 *the Chief of Engineers); and*

24 (2) *water and power contractors.*

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 *major repair and rehabilitation needs for transferred works*
8 *that are similar to the reporting requirements described in*
9 *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 major repair and rehabilitation needs*
17 *for reserved works developed under section 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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