

Calendar No. 127

115TH CONGRESS
1ST SESSION

S. 216

[Report No. 115–97]

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

JANUARY 24, 2017

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

JUNE 8, 2017

Reported by Ms. MURKOWSKI, without amendment

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”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) the water resources infrastructure of the
4 Bureau of Reclamation provides important benefits
5 related to irrigated agriculture, municipal and indus-
6 trial water, hydropower, flood control, fish and wild-
7 life, and recreation in the 17 Reclamation States;

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

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

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

20 (5) actionable information on infrastructure
21 conditions at the asset level, including information
22 on maintenance needs at individual assets due to
23 aging infrastructure, is needed for Congress to con-
24 duct oversight of Reclamation facilities and meet the
25 needs of the public.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) ASSET.—

4 (A) IN GENERAL.—The term “asset”
5 means any of the following assets that are used
6 to achieve the mission of the Bureau of Rec-
7 lamation to manage, develop, and protect water
8 and related resources in an environmentally and
9 economically sound manner in the interest of
10 the people of the United States:

11 (i) Capitalized facilities, buildings,
12 structures, project features, power produc-
13 tion equipment, recreation facilities, or
14 quarters.

15 (ii) Capitalized and noncapitalized
16 heavy equipment and other installed equip-
17 ment.

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

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

23 (A) the annual plan prepared by the Bu-
24 reau of Reclamation known as the “Asset Man-
25 agement Plan”; and

1 (B) any publicly available information re-
2 lating to the plan described in subparagraph
3 (A) that summarizes the efforts of the Bureau
4 of Reclamation to evaluate and manage infra-
5 structure assets of the Bureau of Reclamation.

6 (3) MAJOR REPAIR AND REHABILITATION
7 NEED.—The term “major repair and rehabilitation
8 need” means major nonrecurring maintenance at a
9 Reclamation facility, including maintenance related
10 to the safety of dams, extraordinary maintenance of
11 dams, deferred major maintenance activities, and all
12 other significant repairs and extraordinary mainte-
13 nance.

14 (4) RECLAMATION FACILITY.—The term “Rec-
15 lamation facility” means each of the infrastructure
16 assets that are owned by the Bureau of Reclamation
17 at a Reclamation project.

18 (5) RECLAMATION PROJECT.—The term “Rec-
19 lamation project” means a project that is owned by
20 the Bureau of Reclamation, including all reserved
21 works and transferred works owned by the Bureau
22 of Reclamation.

23 (6) RESERVED WORKS.—The term “reserved
24 works” means buildings, structures, facilities, or
25 equipment that are owned by the Bureau of Rec-

1 lamation for which operations and maintenance are
2 performed by employees of the Bureau of Reclama-
3 tion or through a contract entered into by the Bu-
4 reau of Reclamation, regardless of the source of
5 funding for the operations and maintenance.

6 (7) SECRETARY.—The term “Secretary” means
7 the Secretary of the Interior.

8 (8) TRANSFERRED WORKS.—The term “trans-
9 ferred works” means a Reclamation facility at which
10 operations and maintenance of the facility is carried
11 out by a non-Federal entity under the provisions of
12 a formal operations and maintenance transfer con-
13 tract or other legal agreement with the Bureau of
14 Reclamation.

15 **SEC. 4. ASSET MANAGEMENT REPORT ENHANCEMENTS**
16 **FOR RESERVED WORKS.**

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

20 (1) describes the efforts of the Bureau of Rec-
21 lamation—

22 (A) to maintain in a reliable manner all re-
23 served works at Reclamation facilities; and

24 (B) to standardize and streamline data re-
25 porting and processes across regions and areas

1 for the purpose of maintaining reserved works
2 at Reclamation facilities; and

3 (2) expands on the information otherwise pro-
4 vided in an Asset Management Report, in accord-
5 ance with subsection (b).

6 (b) INFRASTRUCTURE MAINTENANCE NEEDS AS-
7 SESSMENT.—

8 (1) IN GENERAL.—The Asset Management Re-
9 port submitted under subsection (a) shall include—

10 (A) a detailed assessment of major repair
11 and rehabilitation needs for all reserved works
12 at all Reclamation projects; and

13 (B) to the extent practicable, an itemized
14 list of major repair and rehabilitation needs of
15 individual Reclamation facilities at each Rec-
16 lamation project.

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

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

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

24 (3) RATING REQUIREMENTS.—

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

3 (i) consistent with existing uniform
4 categorization systems to inform the an-
5 nual budget process and agency require-
6 ments; and

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

9 (B) GUIDANCE.—As soon as practicable
10 after the date of enactment of this Act, the Sec-
11 retary shall issue guidance that describes the
12 applicability of the rating system applicable
13 under paragraph (2)(B) to Reclamation facili-
14 ties.

15 (4) PUBLIC AVAILABILITY.—Except as provided
16 in paragraph (5), the Secretary shall make publicly
17 available, including on the Internet, the Asset Man-
18 agement Report required under subsection (a).

19 (5) CONFIDENTIALITY.—The Secretary may ex-
20 clude from the public version of the Asset Manage-
21 ment Report made available under paragraph (4)
22 any information that the Secretary identifies as sen-
23 sitive or classified, but shall make available to the
24 Committee on Energy and Natural Resources of the
25 Senate and the Committee on Natural Resources of

1 the House of Representatives a version of the report
2 containing the sensitive or classified information.

3 (c) UPDATES.—Not later than 2 years after the date
4 on which the Asset Management Report is submitted
5 under subsection (a) and biennially thereafter, the Sec-
6 retary shall update the Asset Management Report, subject
7 to the requirements of section 5(b)(2).

8 (d) CONSULTATION.—To the extent that such con-
9 sultation would assist the Secretary in preparing the Asset
10 Management Report under subsection (a) and updates to
11 the Asset Management Report under subsection (c), the
12 Secretary shall consult with—

13 (1) the Secretary of the Army (acting through
14 the Chief of Engineers); and

15 (2) water and power contractors.

16 **SEC. 5. ASSET MANAGEMENT REPORT ENHANCEMENTS**
17 **FOR TRANSFERRED WORKS.**

18 (a) IN GENERAL.—The Secretary shall coordinate
19 with the non-Federal entities responsible for the operation
20 and maintenance of transferred works in developing re-
21 porting requirements for Asset Management Reports with
22 respect to major repair and rehabilitation needs for trans-
23 ferred works that are similar to the reporting require-
24 ments described in section 4(b).

25 (b) GUIDANCE.—

1 (1) IN GENERAL.—After considering input from
2 water and power contractors of the Bureau of Rec-
3 lamation, the Secretary shall develop and implement
4 a rating system for transferred works that incor-
5 porates, to the maximum extent practicable, the rat-
6 ing system for major repair and rehabilitation needs
7 for reserved works developed under section 4(b)(3).

8 (2) UPDATES.—The ratings system developed
9 under paragraph (1) shall be included in the up-
10 dated Asset Management Reports under section
11 4(c).

12 **SEC. 6. OFFSET.**

13 Notwithstanding any other provision of law, in the
14 case of the project authorized by section 1617 of the Rec-
15 lamation Projects Authorization and Adjustment Act of
16 1992 (43 U.S.C. 390h–12c), the maximum amount of the
17 Federal share of the cost of the project under section
18 1631(d)(1) of that Act (43 U.S.C. 390h–13(d)(1)) other-
19 wise available as of the date of enactment of this Act shall
20 be reduced by \$2,000,000.

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