

BUREAU OF RECLAMATION TRANSPARENCY ACT

—
JUNE 2, 2017.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed
—

Mr. BISHOP of Utah, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 660]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 660) 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, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 660 is 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.

BACKGROUND AND NEED FOR LEGISLATION

The goal of H.R. 660 is to provide Congress, States, localities, and water and power users with a better understanding of the estimated cost of repairs at Bureau of Reclamation (Reclamation) facilities.

According to the agency, Reclamation is the nation's largest wholesale water supplier, providing 1 out of 5 (or 140,000) Western farmers with irrigation water for 10 million farmland acres that produce 60 percent of the nation's vegetables and one quarter of its fresh fruit and nut crops. It also delivers 10 trillion gallons of water to more than 31 million people annually and is the second largest domestic producer of hydropower. Reclamation's assets include 475 dams and 53 hydroelectric power plants. With much of this infrastructure built over 50 years ago, maintaining these assets is critical for safety and economic security. Despite this need,

some believe that Reclamation has not been transparent in providing the extent of its maintenance backlog.

Reclamation operates a Facility Maintenance and Rehabilitation Program that identifies the needs of both its “transferred works”—infrastructure owned by Reclamation but operated by local project sponsors—and its “reserved works”—projects owned and operated solely by Reclamation. However, such reviews are not typically made public and exclude project specific needs, even though other federal agencies provide such detail. As an example, a Congressional Research Service policy analyst stated last Congress:

. . . some agencies, such as the Environmental Protection Agency and the Department of Transportation, publish “need assessments” that include project level estimates for needed repairs and upgrades . . . the availability of estimates for individual Reclamation facilities varies, and are generally not compiled or regularly updated in a centralized, public record.

H.R. 660 requires Reclamation to compile an Infrastructure Needs Assessment Report every two years as part of its existing Asset Management Plan reporting process. In response to the aforementioned criticism and prior legislation, Reclamation is making efforts to be more transparent about its infrastructure. In testimony delivered to the Water, Power and Oceans Subcommittee in June 2015, an agency official indicated that a bill nearly identical to H.R. 660 was consistent with its draft “Infrastructure Investment Strategy”.

COMMITTEE ACTION

H.R. 660 was introduced on January 24, 2017, by Congressman Paul A. Gosar (R-AZ). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Water, Power and Oceans. On April 26, 2017, the Natural Resources Committee met to consider the bill. The Subcommittee on Water, Power and Oceans was discharged by unanimous consent. No amendments were offered and the bill was adopted and ordered favorably reported by unanimous consent on April 27, 2017.

SECTION-BY-SECTION ANALYSIS

Section 1 states the short title of the bill as the “Bureau of Reclamation Transparency Act”.

Section 2 lists findings related to Reclamation, its infrastructure assets, and the need for more information about the agency’s maintenance needs due to its aging infrastructure.

Section 3 defines key terms used throughout the Act.

Section 4 directs the Secretary of the Interior to submit a report on Reclamation’s reserved works. The report shall include a detailed assessment of major repair and rehabilitation needs, with a cost estimate for completion of each item and a categorical rating. This section also allows the Secretary to exclude sensitive or classified information from the report, and requires consultation with the Secretary of the Army in preparing the Asset Management Report.

Section 5 directs the Secretary of the Interior to coordinate with non-federal entities responsible for the operation and maintenance

of transferred works in developing reporting requirements for Asset Management Reports, and requires the Secretary to develop and implement a rating system for transferred works that incorporated the same rating system for reserved works.

Section 6 provides an offset for costs associated with the bill.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. Cost of Legislation and the Congressional Budget Act. With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 9, 2017.

Hon. ROB BISHOP,
*Chairman, Committee on Natural Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 660, the Bureau of Reclamation Transparency Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Aurora Swanson.

Sincerely,

KEITH HALL.

Enclosure.

H.R. 660—Bureau of Reclamation Transparency Act

H.R. 660 would require the Bureau of Reclamation (BOR) to assess the maintenance needs of its facilities, develop a ranking system to prioritize the rehabilitation needs of facilities that it operates, and work with nonfederal partners that have taken over the operation of certain other facilities to develop similar systems for those facilities that need rehabilitation. Under current law, BOR gathers data on its facilities, analyzes the data, and makes the results of its analysis available to the Congress and the public through its budget documents and various other reports throughout the year. Under the bill, BOR would need to consolidate those results into one report every two years including the ranking information and the estimated costs of necessary rehabilitation projects. Based on an analysis of information from BOR, CBO estimates that implementing those provisions would cost \$2 million; such spending would be subject to the availability of appropriated funds.

H.R. 660 also would reduce the authorization level for the Central Valley Water Recycling Project in Salt Lake County, Utah, by

\$2 million. Under current law, that project is authorized to receive up to \$20 million in federal funding for construction costs. Under the bill, the ceiling would be reduced to \$18 million and federal costs would be lower by \$2 million when the project is constructed. Based on information from BOR, CBO does not expect construction of the project to begin within the next five years.

Enacting H.R. 660 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates that enacting the bill would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

H.R. 660 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act. Any costs incurred by public entities to comply with the bill's reporting requirements would result from participating in a voluntary federal program.

On April 12, 2017, CBO transmitted a cost estimate for S. 216, the Bureau of Reclamation Transparency Act, as ordered reported by the Senate Committee on Energy and Natural Resources on March 30, 2017. The two pieces of legislation are similar and CBO's estimates of the budgetary effects are the same.

The CBO staff contacts for this estimate are Aurora Swanson (for federal costs) and Jon Sperl (for intergovernmental mandates). The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

2. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to require the Secretary of the Interior to submit to the Congress a report on the efforts of the Bureau of Reclamation to manage its infrastructure assets.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. This bill does not contain any directed rule makings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95-220, as amended by Public Law 98-169) as relating to other programs.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

