

Calendar No. 573

115TH CONGRESS
2D SESSION**H. R. 660**

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 17, 2018

Received; read twice and placed on the calendar

AN ACT

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
9 Bureau of Reclamation provides important benefits
10 related to irrigated agriculture, municipal and indus-

trial water, hydropower, flood control, fish and wildlife, and recreation in the 17 Reclamation States;

(2) as of 2013, the combined replacement value of the infrastructure assets of the Bureau of Reclamation was \$94,500,000,000;

(3) the majority of the water resources infrastructure facilities of the Bureau of Reclamation are at least 60 years old;

(4) the Bureau of Reclamation has previously undertaken efforts to better manage the assets of the Bureau of Reclamation, including an annual review of asset maintenance activities of the Bureau of Reclamation known as the “Asset Management Plan”; and

(5) actionable information on infrastructure conditions at the asset level, including information on maintenance needs at individual assets due to aging infrastructure, is needed for Congress to conduct oversight of Reclamation facilities and meet the needs of the public.

SEC. 3. DEFINITIONS.

In this Act:

(1) ASSET.—

(A) IN GENERAL.—The term “asset” means any of the following assets that are used

1 to achieve the mission of the Bureau of Rec-
2 lamation to manage, develop, and protect water
3 and related resources in an environmentally and
4 economically sound manner in the interest of
5 the people of the United States:

6 (i) Capitalized facilities, buildings,
7 structures, project features, power produc-
8 tion equipment, recreation facilities, or
9 quarters.

10 (ii) Capitalized and noncapitalized
11 heavy equipment and other installed equip-
12 ment.

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

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

18 (A) the annual plan prepared by the Bu-
19 reau of Reclamation known as the “Asset Man-
20 agement Plan”; and

21 (B) any publicly available information re-
22 lating to the plan described in subparagraph
23 (A) that summarizes the efforts of the Bureau
24 of Reclamation to evaluate and manage infra-
25 structure assets of the Bureau of Reclamation.

1 (3) MAJOR REPAIR AND REHABILITATION
2 NEED.—The term “major repair and rehabilitation
3 need” means major nonrecurring maintenance at a
4 Reclamation facility, including maintenance related
5 to the safety of dams, extraordinary maintenance of
6 dams, deferred major maintenance activities, and all
7 other significant repairs and extraordinary maintenance.
8

9 (4) RECLAMATION FACILITY.—The term “Reclamation
10 facility” means each of the infrastructure
11 assets that are owned by the Bureau of Reclamation
12 at a Reclamation project.

13 (5) RECLAMATION PROJECT.—The term “Reclamation
14 project” means a project that is owned by
15 the Bureau of Reclamation, including all reserved
16 works and transferred works owned by the Bureau
17 of Reclamation.

18 (6) RESERVED WORKS.—The term “reserved
19 works” means buildings, structures, facilities, or
20 equipment that are owned by the Bureau of Reclamation
21 for which operations and maintenance are
22 performed by employees of the Bureau of Reclamation
23 or through a contract entered into by the Bureau
24 of Reclamation, regardless of the source of
25 funding for the operations and maintenance.

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

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

10 **SEC. 4. ASSET MANAGEMENT REPORT ENHANCEMENTS**
11 **FOR RESERVED WORKS.**

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

15 (1) describes the efforts of the Bureau of Rec-
16 lamation—

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

19 (B) to standardize and streamline data re-
20 porting and processes across regions and areas
21 for the purpose of maintaining reserved works
22 at Reclamation facilities; and

23 (2) expands on the information otherwise pro-
24 vided in an Asset Management Report, in accord-
25 ance with subsection (b).

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

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

5 (A) a detailed assessment of major repair
6 and rehabilitation needs for all reserved works
7 at all Reclamation 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 budget level cost estimate of the ap-
16 propriations needed to complete each item; and

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

19 (3) RATING REQUIREMENTS.—

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

22 (i) consistent with existing uniform
23 categorization systems to inform the an-
24 nual budget process and agency require-
25 ments; and

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

3 (B) GUIDANCE.—As soon as practicable
4 after the date of enactment of this Act, the Sec-
5 retary shall issue guidance that describes the
6 applicability of the rating system applicable
7 under paragraph (2)(B) to Reclamation facili-
8 ties.

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

13 (5) CONFIDENTIALITY.—The Secretary may ex-
14 clude from the public version of the Asset Manage-
15 ment Report made available under paragraph (4)
16 any information that the Secretary identifies as sen-
17 sitive or classified, but shall make available to the
18 Committee on Energy and Natural Resources of the
19 Senate and the Committee on Natural Resources of
20 the House of Representatives a version of the report
21 containing the sensitive or classified information.

22 (c) UPDATES.—Not later than 2 years after the date
23 on which the Asset Management Report is submitted
24 under subsection (a) and biennially thereafter, the Sec-

1 retary shall update the Asset Management Report, subject
2 to the requirements of section 5(b)(2).

3 (d) CONSULTATION.—To the extent that such con-
4 sultation would assist the Secretary in preparing the Asset
5 Management Report under subsection (a) and updates to
6 the Asset Management Report under subsection (c), the
7 Secretary shall consult with—

8 (1) the Secretary of the Army (acting through
9 the Chief of Engineers); and

10 (2) water and power contractors.

11 **SEC. 5. ASSET MANAGEMENT REPORT ENHANCEMENTS**
12 **FOR TRANSFERRED WORKS.**

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

20 (b) GUIDANCE.—

21 (1) IN GENERAL.—After considering input from
22 water and power contractors of the Bureau of Rec-
23 lamation, the Secretary shall develop and implement
24 a rating system for transferred works that incor-
25 porates, to the maximum extent practicable, the rat-

1 ing system for major repair and rehabilitation needs
2 for reserved works developed under section 4(b)(3).

3 (2) UPDATES.—The ratings system developed
4 under paragraph (1) shall be included in the up-
5 dated Asset Management Reports under section
6 4(c).

7 **SEC. 6. OFFSET.**

8 Notwithstanding any other provision of law, in the
9 case of the project authorized by section 1617 of the Rec-
10 lamation Projects Authorization and Adjustment Act of
11 1992 (43 U.S.C. 390h–12c), the maximum amount of the
12 Federal share of the cost of the project under section
13 1631(d)(1) of that Act (43 U.S.C. 390h–13(d)(1)) other-
14 wise available as of the date of enactment of this Act shall
15 be reduced by \$2,000,000.

 Passed the House of Representatives September 12,
2018.

Attest:

KAREN L. HAAS,

Clerk.

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