

AMENDMENT
TO RULES COMMITTEE PRINT 115-72
OFFERED BY MR. GOSAR OF ARIZONA

At the end of title I, insert the following:

1 **SEC. ____ . BUREAU OF RECLAMATION TRANSPARENCY.**

2 (a) **SHORT TITLE.**—This section may be cited as the
3 “Bureau of Reclamation Transparency Act”.

4 (b) **FINDINGS.**—Congress finds that—

5 (1) the water resources infrastructure of the
6 Bureau of Reclamation provides important benefits
7 related to irrigated agriculture, municipal and indus-
8 trial water, hydropower, flood control, fish and wild-
9 life, and 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

1 Reclamation known as the “Asset Management
2 Plan”; and

3 (5) actionable information on infrastructure
4 conditions at the asset level, including information
5 on maintenance needs at individual assets due to
6 aging infrastructure, is needed for Congress to con-
7 duct oversight of Reclamation facilities and meet the
8 needs of the public.

9 (c) DEFINITIONS.—In this section:

10 (1) ASSET.—

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

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

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

1 (B) INCLUSIONS.—The term “asset” in-
2 cludes assets described in subparagraph (A)
3 that 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
11 (A) that summarizes the efforts of the Bureau
12 of Reclamation to evaluate and manage infra-
13 structure 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
5 of Reclamation.

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

23 (d) ASSET MANAGEMENT REPORT ENHANCEMENTS
24 FOR RESERVED WORKS.—

1 (1) IN GENERAL.—Not later than 2 years after
2 the date of enactment of this Act, the Secretary
3 shall submit to Congress an Asset Management Re-
4 port that—

5 (A) describes the efforts of the Bureau of
6 Reclamation—

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

10 (ii) to standardize and streamline
11 data reporting and processes across re-
12 gions and areas for the purpose of main-
13 taining reserved works at Reclamation fa-
14 cilities; and

15 (B) expands on the information otherwise
16 provided in an Asset Management Report, in
17 accordance with paragraph (2).

18 (2) INFRASTRUCTURE MAINTENANCE NEEDS
19 ASSESSMENT.—

20 (A) IN GENERAL.—The Asset Management
21 Report submitted under paragraph (1) shall in-
22 clude—

23 (i) a detailed assessment of major re-
24 pair and rehabilitation needs for all re-

1 served works at all Reclamation projects;
2 and

3 (ii) to the extent practicable, an
4 itemized list of major repair and rehabilita-
5 tion needs of individual Reclamation facili-
6 ties at each Reclamation project.

7 (B) INCLUSIONS.—To the extent prac-
8 ticable, the itemized list of major repair and re-
9 habilitation needs under subparagraph (A)(ii)
10 shall include—

11 (i) a budget level cost estimate of the
12 appropriations needed to complete each
13 item; and

14 (ii) an assignment of a categorical
15 rating for each item, consistent with sub-
16 paragraph (C).

17 (C) RATING REQUIREMENTS.—

18 (i) IN GENERAL.—The system for as-
19 signing ratings under subparagraph (B)(ii)
20 shall be—

21 (I) consistent with existing uni-
22 form categorization systems to inform
23 the annual budget process and agency
24 requirements; and

1 (II) subject to the guidance and
2 instructions issued under clause (ii).

3 (ii) GUIDANCE.—As soon as prac-
4 ticable after the date of enactment of this
5 Act, the Secretary shall issue guidance
6 that describes the applicability of the rat-
7 ing system applicable under subparagraph
8 (B)(ii) to Reclamation facilities.

9 (D) PUBLIC AVAILABILITY.—Except as
10 provided in subparagraph (E), the Secretary
11 shall make publicly available, including on the
12 Internet, the Asset Management Report re-
13 quired under paragraph (1).

14 (E) CONFIDENTIALITY.—The Secretary
15 may exclude from the public version of the
16 Asset Management Report made available
17 under subparagraph (D) any information that
18 the Secretary identifies as sensitive or classi-
19 fied, but shall make available to the Committee
20 on Energy and Natural Resources of the Senate
21 and the Committee on Natural Resources of the
22 House of Representatives a version of the re-
23 port containing the sensitive or classified infor-
24 mation.

1 (3) UPDATES.—Not later than 2 years after the
2 date on which the Asset Management Report is sub-
3 mitted under paragraph (1) and biennially there-
4 after, the Secretary shall update the Asset Manage-
5 ment Report, subject to the requirements of sub-
6 section (e)(2)(B).

7 (4) CONSULTATION.—To the extent that such
8 consultation would assist the Secretary in preparing
9 the Asset Management Report under paragraph (1)
10 and updates to the Asset Management Report under
11 paragraph (3), the Secretary shall consult with—

12 (A) the Secretary of the Army (acting
13 through the Chief of Engineers); and

14 (B) water and power contractors.

15 (e) ASSET MANAGEMENT REPORT ENHANCEMENTS
16 FOR TRANSFERRED WORKS.—

17 (1) IN GENERAL.—The Secretary shall coordi-
18 nate with the non-Federal entities responsible for
19 the operation and maintenance of transferred works
20 in developing reporting requirements for Asset Man-
21 agement Reports with respect to major repair and
22 rehabilitation needs for transferred works that are
23 similar to the reporting requirements described in
24 subsection (d)(2).

25 (2) GUIDANCE.—

1 (A) IN GENERAL.—After considering input
2 from water and power contractors of the Bu-
3 reau of Reclamation, the Secretary shall develop
4 and implement a rating system for transferred
5 works that incorporates, to the maximum extent
6 practicable, the rating system for major repair
7 and rehabilitation needs for reserved works de-
8 veloped under subsection (d)(2)(C).

9 (B) UPDATES.—The ratings system devel-
10 oped under subparagraph (A) shall be included
11 in the updated Asset Management Reports
12 under subsection (d)(3).

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

