AMENDMENT

TO RULES COMMITTEE PRINT 115–72

OFFERED BY MR. GOSAR OF ARIZONA

At the end of title I, insert the following:

SEC. ___ . BUREAU OF RECLAMATION TRANSPARENCY.

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

(b) FINDINGS.—Congress finds that—

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

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

(3) the majority of the water resources infra-
structure 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 re-
view 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.

(e) DEFINITIONS.—In this section:

(1) ASSET.—

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

(i) Capitalized facilities, buildings, structures, project features, power production equipment, recreation facilities, or quarters.

(ii) Capitalized and noncapitalized heavy equipment and other installed equipment.
(B) INCLUSIONS.—The term “asset” includes assets described in subparagraph (A) that are considered to be mission critical.

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

(A) the annual plan prepared by the Bureau of Reclamation known as the “Asset Management Plan”; and

(B) any publicly available information relating to the plan described in subparagraph (A) that summarizes the efforts of the Bureau of Reclamation to evaluate and manage infrastructure assets of the Bureau of Reclamation.

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

(4) RECLAMATION FACILITY.—The term “Reclamation facility” means each of the infrastructure assets that are owned by the Bureau of Reclamation at a Reclamation project.
(5) Reclamation project.—The term “Reclamation project” means a project that is owned by the Bureau of Reclamation, including all reserved works and transferred works owned by the Bureau of Reclamation.

(6) Reserved works.—The term “reserved works” means buildings, structures, facilities, or equipment that are owned by the Bureau of Reclamation for which operations and maintenance are performed by employees of the Bureau of Reclamation or through a contract entered into by the Bureau of Reclamation, regardless of the source of funding for the operations and maintenance.

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

(8) Transferred works.—The term “transferred works” means a Reclamation facility at which operations and maintenance of the facility is carried out by a non-Federal entity under the provisions of a formal operations and maintenance transfer contract or other legal agreement with the Bureau of Reclamation.

(d) Asset Management Report Enhancements for Reserved Works.—
(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress an Asset Management Report that—

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

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

(ii) to standardize and streamline data reporting and processes across regions and areas for the purpose of maintaining reserved works at Reclamation facilities; and

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

(2) INFRASTRUCTURE MAINTENANCE NEEDS ASSESSMENT.—

(A) IN GENERAL.—The Asset Management Report submitted under paragraph (1) shall include—

(i) a detailed assessment of major repair and rehabilitation needs for all re-
served works at all Reclamation projects; and

(ii) to the extent practicable, an itemized list of major repair and rehabilitation needs of individual Reclamation facilities at each Reclamation project.

(B) INCLUSIONS.—To the extent practicable, the itemized list of major repair and rehabilitation needs under subparagraph (A)(ii) shall include—

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

(ii) an assignment of a categorical rating for each item, consistent with subparagraph (C).

(C) RATING REQUIREMENTS.—

(i) IN GENERAL.—The system for assigning ratings under subparagraph (B)(ii) shall be—

(I) consistent with existing uniform categorization systems to inform the annual budget process and agency requirements; and
(II) subject to the guidance and instructions issued under clause (ii).

(ii) GUIDANCE.—As soon as practicable after the date of enactment of this Act, the Secretary shall issue guidance that describes the applicability of the rating system applicable under subparagraph (B)(ii) to Reclamation facilities.

(D) PUBLIC AVAILABILITY.—Except as provided in subparagraph (E), the Secretary shall make publicly available, including on the Internet, the Asset Management Report required under paragraph (1).

(E) CONFIDENTIALITY.—The Secretary may exclude from the public version of the Asset Management Report made available under subparagraph (D) any information that the Secretary identifies as sensitive or classified, but shall make available to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a version of the report containing the sensitive or classified information.
(3) UPDATES.—Not later than 2 years after the date on which the Asset Management Report is submitted under paragraph (1) and biennially thereafter, the Secretary shall update the Asset Management Report, subject to the requirements of subsection (c)(2)(B).

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

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

(B) water and power contractors.

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

(1) IN GENERAL.—The Secretary shall coordinate with the non-Federal entities responsible for the operation and maintenance of transferred works in developing reporting requirements for Asset Management Reports with respect to major repair and rehabilitation needs for transferred works that are similar to the reporting requirements described in subsection (d)(2).

(2) GUIDANCE.—
(A) IN GENERAL.—After considering input from water and power contractors of the Bureau of Reclamation, the Secretary shall develop and implement a rating system for transferred works that incorporates, to the maximum extent practicable, the rating system for major repair and rehabilitation needs for reserved works developed under subsection (d)(2)(C).

(B) UPDATES.—The ratings system developed under subparagraph (A) shall be included in the updated Asset Management Reports under subsection (d)(3).

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