

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—113th Cong., 2d Sess.

S. 1800

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.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. BARRASSO

Viz:

- 1 Strike all after the enacting clause and insert the fol-
- 2 lowing:
- 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-

1 trial water, hydropower, flood control, fish and wild-
2 life, and recreation in the 17 Reclamation States;

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

6 (3) the majority of the water resources infra-
7 structure facilities of the Bureau of Reclamation are
8 at least 60 years old;

9 (4) the Bureau of Reclamation has previously
10 undertaken efforts to better manage the assets of
11 the Bureau of Reclamation, including an annual re-
12 view of asset maintenance activities of the Bureau of
13 Reclamation known as the “Asset Management
14 Plan”; and

15 (5) actionable information on infrastructure
16 conditions at the asset level, including information
17 on maintenance needs at individual assets due to
18 aging infrastructure, is needed for Congress to con-
19 duct oversight of Reclamation facilities and meet the
20 needs of the public.

21 **SEC. 3. DEFINITIONS.**

22 In this Act:

23 (1) ASSET.—

24 (A) IN GENERAL.—The term “asset”
25 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 nance.

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 publically
11 available, including on the Internet, the Asset Man-
12 agement Report required under subsection (a).

13 (5) CONFIDENTIALITY.—Subject to the discre-
14 tion of the Secretary, the Secretary may exclude
15 from the public version of the Asset Management
16 Report made available under paragraph (4) any in-
17 formation that the Secretary identifies as sensitive
18 or classified, but shall make available to the Com-
19 mittee on Energy and Natural Resources of the Sen-
20 ate and the Committee on Natural Resources of the
21 House of Representatives a version of the report
22 containing the sensitive or classified information.

23 (c) UPDATES.—Not later than 2 years after the date
24 on which the Asset Management Report is submitted
25 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.—The Secretary shall consult
4 with the Secretary of the Army (acting through the Chief
5 of Engineers) to the extent that the consultation would
6 assist the Secretary in preparing the Asset Management
7 Report under subsection (a) and updates to the Asset
8 Management Report under subsection (c).

9 **SEC. 5. ASSET MANAGEMENT REPORT ENHANCEMENTS**
10 **FOR TRANSFERRED WORKS.**

11 (a) IN GENERAL.—The Secretary shall coordinate
12 with the non-Federal entities responsible for the operation
13 and maintenance of transferred works in developing re-
14 porting requirements for Asset Management Reports with
15 respect with respect to the condition of, and planned main-
16 tenance for, transferred works that are similar to the re-
17 porting requirements described in section 4(b)

18 (b) GUIDANCE.—

19 (1) IN GENERAL.—After considering input from
20 water and power contractors of the Bureau of Rec-
21 lamation, the Secretary shall develop and implement
22 a rating system for transferred works that incor-
23 porates, to the maximum extent practicable, the rat-
24 ing system for reserved works developed under sec-
25 tion 4(b)(3).

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

113TH CONGRESS
1ST SESSION

S. 1800

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

DECEMBER 11, 2013

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

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”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) the water resources infrastructure of the
9 Bureau of Reclamation provides important benefits

1 related to irrigated agriculture, hydropower, and
2 recreation in the 17 Reclamation States;

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

6 (3) the majority of the water resources infra-
7 structure facilities of the Bureau of Reclamation are
8 at least 60 years old;

9 (4) the Bureau of Reclamation has previously
10 undertaken efforts to better manage the assets of
11 the Bureau of Reclamation, including an annual re-
12 view of asset maintenance activities of the Bureau of
13 Reclamation known as the “Asset Management
14 Plan”; and

15 (5) actionable information on infrastructure
16 conditions at the project level, including information
17 on maintenance needs and potential public safety
18 threats at individual projects due to aging infra-
19 structure, is needed for Congress to conduct over-
20 sight of Reclamation facilities and meet the needs of
21 the public.

22 **SEC. 3. DEFINITIONS.**

23 In this Act:

24 (1) **ASSET MANAGEMENT REPORT.**—The term
25 “Asset Management Report” means—

1 (A) the annual plan prepared by the Bu-
2 reau of Reclamation known as the “Asset Man-
3 agement Plan”; and

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

9 (2) MAJOR REPAIR AND REHABILITATION
10 NEED.—The term “major repair and rehabilitation
11 need” means a significant maintenance need at a
12 Reclamation facility, including maintenance related
13 to the safety of dams, extraordinary operations at
14 and maintenance of dams, deferred maintenance,
15 and all other significant repairs and extraordinary
16 maintenance.

17 (3) RECLAMATION FACILITY.—The term “Rec-
18 lamation facility” means each of the infrastructure
19 assets that are owned by the Bureau of Reclamation
20 at a Reclamation project.

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

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

3 **SEC. 4. ASSET MANAGEMENT REPORT ENHANCEMENTS.**

4 (a) IN GENERAL.—Not later than 2 years after the
5 date of enactment of this Act, the Secretary shall submit
6 to Congress a report that—

7 (1) describes the efforts of the Bureau of Rec-
8 lamation—

9 (A) to manage all Reclamation facilities;
10 and

11 (B) to standardize and streamline data re-
12 porting and processes across regions and areas
13 for the purpose of managing Reclamation facili-
14 ties; and

15 (2) expands on the information otherwise pro-
16 vided in Asset Management Reports, in accordance
17 with subsection (b).

18 (b) INFRASTRUCTURE MAINTENANCE NEEDS AS-
19 SESSMENT.—

20 (1) IN GENERAL.—The report submitted under
21 subsection (a) shall include—

22 (A) a detailed assessment of major repair
23 and rehabilitation needs at all Reclamation
24 projects; and

1 (B) to the extent practicable, an itemized
2 list of major repair and rehabilitation needs of
3 individual Reclamation facilities at each Rec-
4 lamation project.

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

8 (A) a cost estimate of the expenditures
9 needed to complete each item; and

10 (B) an assignment of a categorical rating
11 of 1, 2, 3, 4, or 5 for each item, consistent with
12 paragraph (3).

13 (3) RATING REQUIREMENTS.—

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

16 (i) consistent with existing uniform
17 categorization systems for the safety of
18 dams projects; and

19 (ii) subject to any regulations issued
20 under subparagraph (B).

21 (B) REGULATIONS.—As soon as prac-
22 ticable after the date of enactment of this Act,
23 the Secretary shall issue regulations that de-
24 scribe the applicability of the rating system ap-

1 plicable under paragraph (2)(B) to Reclamation
2 facilities.

3 (4) PUBLIC AVAILABILITY.—Except as provided
4 in paragraph (5), the Secretary shall make publically
5 available, including on the Internet, the report re-
6 quired under subsection (a).

7 (5) CONFIDENTIALITY.—Subject to the discre-
8 tion of the Secretary, the Secretary may exclude
9 from the public version of the report made available
10 under paragraph (4) any information that the Sec-
11 retary identifies as sensitive or classified, but shall
12 make available to the Committee on Energy and
13 Natural Resources of the Senate and the Committee
14 on Natural Resources of the House of Representa-
15 tives a version of the report containing the sensitive
16 or classified information.

17 (c) UPDATES.—Not later than 2 years after the date
18 on which the report is submitted under subsection (a) and
19 biennially thereafter, the Secretary shall update the re-
20 port, subject to the requirements of subsection (b).

21 (d) CONSULTATION.—The Secretary shall consult
22 with the Secretary of the Army (acting through the Chief
23 of Engineers) to the extent that the consultation would

- 1 assist the Secretary in preparing the report under sub-
- 2 section (a) and updates to the report under subsection (c).

○