

116TH CONGRESS  
1ST SESSION

# H. R. 1268

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.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 14, 2019

Mr. GOSAR (for himself, Mr. BIGGS, Mr. CALVERT, Mr. GARAMENDI, Mr. GIANFORTE, Mr. GOHMERT, Mr. HICE of Georgia, Mr. HUFFMAN, Mr. HUNTER, Mrs. KIRKPATRICK, Mr. LAMALFA, Mr. LAMBORN, Mr. MEADOWS, Mr. MCCLINTOCK, Mrs. RODGERS of Washington, Mr. MULLIN, Mrs. NAPOLITANO, Mr. NEWHOUSE, Mr. SCHWEIKERT, and Mr. TIPTON) introduced the following bill; which was referred to the Committee on Natural Resources

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## 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. DEFINITIONS.**

7       In this Act:

1 (1) ASSET.—

2 (A) IN GENERAL.—The term “asset”  
3 means any of the following assets that are used  
4 to achieve the mission of the Bureau to man-  
5 age, develop, and protect water and related re-  
6 sources in an environmentally and economically  
7 sound manner in the interest of the people of  
8 the United States:

9 (i) Capitalized facilities, buildings,  
10 structures, project features, power produc-  
11 tion equipment, recreation facilities, or  
12 quarters.

13 (ii) Capitalized and noncapitalized  
14 heavy equipment and other installed equip-  
15 ment.

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

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

21 (A) the annual plan prepared by the Bu-  
22 reau known as the “Asset Management Plan”;  
23 and

24 (B) any publicly available information re-  
25 lating to the plan described in subparagraph

1 (A) that summarizes the efforts of the Bureau  
2 to evaluate and manage infrastructure assets of  
3 the Bureau.

4 (3) MAJOR REPAIR AND REHABILITATION  
5 NEED.—The term “major repair and rehabilitation  
6 need” means major nonrecurring maintenance at a  
7 Reclamation facility, including maintenance related  
8 to the safety of dams, extraordinary maintenance of  
9 dams, deferred major maintenance activities, and all  
10 other significant repairs and extraordinary maintenance.  
11

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

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

20 (6) RESERVED WORKS.—The term “reserved  
21 works” means any building, structure, facility, or  
22 equipment—

23 (A) that is owned by the Bureau; and

1 (B) for which operations and maintenance  
2 are performed, regardless of the source of fund-  
3 ing—

4 (i) by an employee of the Bureau; or  
5 (ii) through a contract entered into by  
6 the Commissioner.

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

9 (8) RECLAMATION.—The term “Reclamation”  
10 means the Bureau of Reclamation.

11 (9) BUREAU.—The term “Bureau” means the  
12 Bureau of Reclamation.

13 (10) COMMISSIONER.—The term “Commis-  
14 sioner” means the Commissioner of Reclamation.

15 (11) TRANSFERRED WORKS.—The term “trans-  
16 ferred works” means a Reclamation facility at which  
17 operations and maintenance of the facility is carried  
18 out by a non-Federal entity under the provisions of  
19 a formal operations and maintenance transfer con-  
20 tract or other legal agreement with the Bureau.

21 **SEC. 3. ASSET MANAGEMENT REPORT ENHANCEMENTS**  
22 **FOR RESERVED WORKS.**

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

1 (1) describes the efforts of the Bureau—

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

4 (B) to standardize and streamline data re-  
5 porting and processes across regions and areas  
6 for the purpose of maintaining reserved works  
7 at Reclamation facilities; and

8 (2) expands on the information otherwise pro-  
9 vided in an Asset Management Report, in accord-  
10 ance with subsection (b).

11 (b) INFRASTRUCTURE MAINTENANCE NEEDS AS-  
12 SESSMENT.—

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

15 (A) a detailed assessment of major repair  
16 and rehabilitation needs for all reserved works  
17 at all Reclamation projects; and

18 (B) to the maximum extent practicable, an  
19 itemized list of major repair and rehabilitation  
20 needs of individual Reclamation facilities at  
21 each Reclamation project.

22 (2) INCLUSIONS.—To the maximum extent  
23 practicable, the itemized list of major repair and re-  
24 habilitation needs under paragraph (1)(B) shall in-  
25 clude—

1 (A) a budget level cost estimate of the ap-  
2 propriations needed to complete each item; and

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

5 (3) RATING REQUIREMENTS.—

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

8 (i) consistent with existing uniform  
9 categorization systems to inform the an-  
10 nual budget process and agency require-  
11 ments; and

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

14 (B) GUIDANCE.—As soon as practicable  
15 after the date of enactment of this Act, the Sec-  
16 retary shall issue guidance that describes the  
17 applicability of the rating system applicable  
18 under paragraph (2)(B) to Reclamation facili-  
19 ties.

20 (4) PUBLIC AVAILABILITY.—Except as provided  
21 in paragraph (5), the Secretary shall make publicly  
22 available, including on the internet, the Asset Man-  
23 agement Report required under subsection (a).

24 (5) CONFIDENTIALITY.—The Secretary may ex-  
25 clude from the public version of the Asset Manage-

1       ment Report made available under paragraph (4)  
2       any information that the Secretary identifies as sen-  
3       sitive or classified, but shall make available to the  
4       Committee on Energy and Natural Resources of the  
5       Senate and the Committee on Natural Resources of  
6       the House of Representatives a version of the report  
7       containing the sensitive or classified information.

8       (c) UPDATES.—Not later than 2 years after the date  
9       on which the Asset Management Report is submitted  
10      under subsection (a) and biennially thereafter, the Sec-  
11      retary shall update the Asset Management Report, subject  
12      to the requirements of section 4(b)(2).

13      (d) CONSULTATION.—To the extent that such con-  
14      sultation would assist the Secretary in preparing the Asset  
15      Management Report under subsection (a) and updates to  
16      the Asset Management Report under subsection (c), the  
17      Secretary shall consult with—

- 18               (1) the Secretary of the Army (acting through  
19               the Chief of Engineers); and  
20               (2) water and power contractors.

21      **SEC. 4. ASSET MANAGEMENT REPORT ENHANCEMENTS**  
22                               **FOR TRANSFERRED WORKS.**

23      (a) IN GENERAL.—The Secretary shall coordinate  
24      with the non-Federal entities responsible for the operation  
25      and maintenance of transferred works in developing re-

1 porting requirements for Asset Management Reports with  
2 respect to major repair and rehabilitation needs for trans-  
3 ferred works that are similar to the reporting require-  
4 ments described in section 3(b).

5 (b) GUIDANCE.—

6 (1) IN GENERAL.—After considering input from  
7 water and power contractors of the Bureau, the Sec-  
8 retary shall develop and implement a rating system  
9 for transferred works that incorporates, to the max-  
10 imum extent practicable, the rating system for major  
11 repair and rehabilitation needs for reserved works  
12 developed under section 3(b)(3).

13 (2) UPDATES.—The ratings system developed  
14 under paragraph (1) shall be included in the up-  
15 dated Asset Management Reports under section  
16 3(c).

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