

(5) Federal agencies that conduct water management and related activities have a responsibility—

(A) to take a lead role in assessing risks to the water resources of the United States (including risks posed by global climate change); and

(B) to develop strategies—

(i) to mitigate the potential impacts of each risk described in subparagraph (A); and

(ii) to help ensure that the long-term water resources management of the United States is sustainable and will ensure sustainable quantities of water;

(6) it is critical to continue and expand research and monitoring efforts—

(A) to improve the understanding of the variability of the water cycle; and

(B) to provide basic information necessary—

(i) to manage and efficiently use the water resources of the United States; and

(ii) to identify new supplies of water that are capable of being reclaimed; and

(7) the study of water use is vital—

(A) to the understanding of the impacts of human activity on water and ecological resources; and

(B) to the assessment of whether available surface and groundwater supplies will be available to meet the future needs of the United States.

(Pub. L. 111–11, title IX, §9501, Mar. 30, 2009, 123 Stat. 1329.)

Statutory Notes and Related Subsidiaries

WATER DATA SHARING PILOT PROGRAM

Pub. L. 117–58, div. E, title II, §50213, Nov. 15, 2021, 135 Stat. 1172, provided that:

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—Subject to the availability of appropriations, the Administrator [of the Environmental Protection Agency] shall establish a competitive grant pilot program (referred to in this section as the ‘pilot program’) under which the Administrator may award grants to eligible entities under subsection (b) to establish systems that improve the sharing of information concerning water quality, water infrastructure needs, and water technology, including cybersecurity technology, between States or among counties and other units of local government within a State, which may include—

“(A) establishing a website or data hub to exchange water data, including data on water quality or water technology, including new and emerging, but proven, water technology; and

“(B) intercounty communications initiatives related to water data.

“(2) REQUIREMENTS.—

“(A) DATA SHARING.—The Internet of Water principles developed by the Nicholas Institute for Environmental Policy Solutions shall, to the extent practicable, guide any water data sharing efforts under the pilot program.

“(B) USE OF EXISTING DATA.—The recipient of a grant under the pilot program to establish a website or data hub described in paragraph (1)(A) shall, to the extent practicable, leverage existing data sharing infrastructure.

“(b) ELIGIBLE ENTITIES.—An entity eligible for a grant under the pilot program is—

“(1) a State, county, or other unit of local government that—

“(A) has a coastal watershed with significant pollution levels;

“(B) has a water system with significant pollution levels; or

“(C) has significant individual water infrastructure deficits; or

“(2) a regional consortium established under subsection (d).

“(c) APPLICATIONS.—To be eligible to receive a grant under the pilot program, an eligible entity under subsection (b) shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require.

“(d) REGIONAL CONSORTIA.—

“(1) ESTABLISHMENT.—States may establish regional consortia in accordance with this subsection.

“(2) REQUIREMENTS.—A regional consortium established under paragraph (1) shall—

“(A) include not fewer than 2 States that have entered into a memorandum of understanding—

“(i) to exchange water data, including data on water quality; or

“(ii) to share information, protocols, and procedures with respect to projects that evaluate, demonstrate, or install new and emerging, but proven, water technology;

“(B) carry out projects—

“(i) to exchange water data, including data on water quality; or

“(ii) that evaluate, demonstrate, or install new and emerging, but proven, water technology; and

“(C) develop a regional intended use plan, in accordance with paragraph (3), to identify projects to carry out, including projects using grants received under this section.

“(3) REGIONAL INTENDED USE PLAN.—A regional intended use plan of a regional consortium established under paragraph (1)—

“(A) shall identify projects that the regional consortium intends to carry out, including projects that meet the requirements of paragraph (2)(B); and

“(B) may include—

“(i) projects included in an intended use plan of a State prepared under section 606(c) of the Federal Water Pollution Control Act (33 U.S.C. 1386(c)) within the regional consortium; and

“(ii) projects not included in an intended use plan of a State prepared under section 606(c) of the Federal Water Pollution Control Act (33 U.S.C. 1386(c)) within the regional consortium.

“(e) REPORT.—Not later than 2 years after the date of enactment of this Act [Nov. 15, 2021], the Administrator shall submit to Congress a report that describes the implementation of the pilot program, which shall include—

“(1) a description of the use and deployment of amounts made available under the pilot program; and

“(2) an accounting of all grants awarded under the program, including a description of each grant recipient and each project funded using a grant under the pilot program.

“(f) FUNDING.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the pilot program \$15,000,000 for each of fiscal years 2022 through 2026, to remain available until expended.

“(2) REQUIREMENT.—Of the funds made available under paragraph (1), not more than 35 percent may be used to provide grants to regional consortia established under subsection (d).”

§ 10362. Definitions

In this chapter:

(1) Administrator

The term “Administrator” means the Administrator of the National Oceanic and Atmospheric Administration.

(2) Advisory Committee

The term “Advisory Committee” means the National Advisory Committee on Water Information established—

- (A) under the Office of Management and Budget Circular 92-01; and
- (B) to coordinate water data collection activities.

(3) Assessment program

The term “assessment program” means the water availability and use assessment program established by the Secretary under section 10368(a) of this title.

(4) Climate division

The term “climate division” means 1 of the 359 divisions in the United States that represents 2 or more regions located within a State that are as climatically homogeneous as possible, as determined by the Administrator.

(5) Commissioner

The term “Commissioner” means the Commissioner of Reclamation.

(6) Director

The term “Director” means the Director of the United States Geological Survey.

(7) Eligible applicant

The term “eligible applicant” means—

- (A) any State, Indian tribe, irrigation district, or water district;
- (B) any State, regional, or local authority, the members of which include 1 or more organizations with water or power delivery authority;
- (C) any other organization with water or power delivery authority; and
- (D) any nonprofit conservation organization, if—
 - (i) the nonprofit conservation organization is acting in partnership with and with the agreement of an entity described in subparagraph (A), (B), or (C); or
 - (ii) in the case of an application for a project to improve the condition of a natural feature or nature-based feature on Federal land, the entities described in subparagraph (A), (B), or (C) from the applicable service area have been notified of the project application and there is no written objection to the project.

(8) Federal Power Marketing Administration

The term “Federal Power Marketing Administration” means—

- (A) the Bonneville Power Administration;
- (B) the Southeastern Power Administration;
- (C) the Southwestern Power Administration; and
- (D) the Western Area Power Administration.

(9) Hydrologic accounting unit

The term “hydrologic accounting unit” means 1 of the 352 river basin hydrologic accounting units used by the United States Geological Survey.

(10) Indian tribe

The term “Indian tribe” has the meaning given the term in section 5304 of title 25.

(11) Major aquifer system

The term “major aquifer system” means a groundwater system that is—

- (A) identified as a significant groundwater system by the Director; and
- (B) included in the Groundwater Atlas of the United States, published by the United States Geological Survey.

(12) Major reclamation river basin**(A) In general**

The term “major reclamation river basin” means each major river system (including tributaries)—

- (i) that is located in a service area of the Bureau of Reclamation; and
- (ii) at which is located a federally authorized project of the Bureau of Reclamation.

(B) Inclusions

The term “major reclamation river basin” includes—

- (i) the Colorado River;
- (ii) the Columbia River;
- (iii) the Klamath River;
- (iv) the Missouri River;
- (v) the Rio Grande;
- (vi) the Sacramento River;
- (vii) the San Joaquin River; and
- (viii) the Truckee River.

(13) Natural feature

The term “natural feature” means a feature that is created through the action of physical, geological, biological, and chemical processes over time.

(14) Nature-based feature

The term “nature-based feature” means a feature that is created by human design, engineering, and construction to provide a means to reduce water supply and demand imbalances or drought or flood risk by acting in concert with natural processes.

(15) Non-Federal participant

The term “non-Federal participant” means—

- (A) a State, regional, or local authority;
- (B) an Indian tribe or tribal organization; or
- (C) any other qualifying entity, such as a water conservation district, water conservancy district, or rural water district or association, or a nongovernmental organization.

(16) Panel

The term “panel” means the climate change and water intragovernmental panel established by the Secretary under section 10366(a) of this title.

(17) Program

The term “program” means the regional integrated sciences and assessments program—

- (A) established by the Administrator; and
- (B) that is comprised of 8 regional programs that use advances in integrated climate sciences to assist decisionmaking processes.

(18) Secretary**(A) In general**

Except as provided in subparagraph (B), the term “Secretary” means the Secretary of the Interior.

(B) Exceptions

The term “Secretary” means—

- (i) in the case of sections 10363, 10364, and 10369 of this title, the Secretary of the Interior (acting through the Commissioner); and
- (ii) in the case of sections 10367 and 10368 of this title, the Secretary of the Interior (acting through the Director).

(19) Service area

The term “service area” means any area that encompasses a watershed that contains a federally authorized reclamation project that is located in any State or area described in section 391 of title 43.

(Pub. L. 111–11, title IX, §9502, Mar. 30, 2009, 123 Stat. 1330; Pub. L. 116–260, div. FF, title XI, §1106(a), Dec. 27, 2020, 134 Stat. 3240.)

Editorial Notes**AMENDMENTS**

2020—Pub. L. 116–260, §1106(a)(1), substituted “chapter” for “section” in introductory provisions.

Par. (7). Pub. L. 116–260, §1106(a)(2), added par. (7) and struck out former par. (7). Prior to amendment, text read as follows: “The term ‘eligible applicant’ means any State, Indian tribe, irrigation district, water district, or other organization with water or power delivery authority.”

Par. (10). Pub. L. 116–260, §1106(a)(3), made technical amendment to reference in original act which appears in text as a reference to section 5304 of title 25.

Pars. (13) to (19). Pub. L. 116–260, §1106(a)(4), (5), added pars. (13) and (14) and redesignated former pars. (13) to (17) as (15) to (19), respectively.

§ 10363. Reclamation climate change and water program**(a) In general**

The Secretary shall establish a climate change adaptation program—

- (1) to coordinate with the Administrator and other appropriate agencies to assess each effect of, and risk resulting from, global climate change with respect to the quantity of water resources located in a service area; and
- (2) to ensure, to the maximum extent possible, that strategies are developed at watershed and aquifer system scales to address potential water shortages, conflicts, and other impacts to water users located at, and the environment of, each service area.

(b) Required elements

In carrying out the program described in subsection (a), the Secretary shall—

- (1) coordinate with the United States Geological Survey, the National Oceanic and Atmospheric Administration, the program, and each appropriate State water resource agency, to ensure that the Secretary has access to the best available scientific information with respect to presently observed and projected future impacts of global climate change on water resources;

(2) assess specific risks to the water supply of each major reclamation river basin, including any risk relating to—

- (A) a change in snowpack;
- (B) changes in the timing and quantity of runoff;
- (C) changes in groundwater recharge and discharge; and
- (D) any increase in—
 - (i) the demand for water as a result of increasing temperatures; and
 - (ii) the rate of reservoir evaporation;

(3) with respect to each major reclamation river basin, analyze the extent to which changes in the water supply of the United States will impact—

- (A) the ability of the Secretary to deliver water to the contractors of the Secretary;
- (B) hydroelectric power generation facilities;
- (C) recreation at reclamation facilities;
- (D) fish and wildlife habitat;
- (E) applicable species listed as an endangered, threatened, or candidate species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);
- (F) water quality issues (including salinity levels of each major reclamation river basin);
- (G) flow and water dependent ecological resiliency; and
- (H) flood control management;

(4) in consultation with appropriate non-Federal participants, consider and develop appropriate strategies to mitigate each impact of water supply changes analyzed by the Secretary under paragraph (3), including strategies relating to—

- (A) the modification of any reservoir storage or operating guideline in existence as of March 30, 2009;
- (B) the development of new water management, operating, or habitat restoration plans;
- (C) water conservation;
- (D) improved hydrologic models and other decision support systems; and
- (E) groundwater and surface water storage needs; and

(5) in consultation with the Director, the Administrator, the Secretary of Agriculture (acting through the Chief of the Natural Resources Conservation Service), and applicable State water resource agencies, develop a monitoring plan to acquire and maintain water resources data—

- (A) to strengthen the understanding of water supply trends; and
- (B) to assist in each assessment and analysis conducted by the Secretary under paragraphs (2) and (3).

(c) Reporting

Not later than 2 years after March 30, 2009, and every 5 years thereafter, the Secretary shall submit to the appropriate committees of Congress a report that describes—

- (1) each effect of, and risk resulting from, global climate change with respect to the quantity of water resources located in each major reclamation river basin;