

ignation before “the States”, and added cls. (ii) and (iii).

Subsec. (a)(3)(B). Pub. L. 116-9, §8501(2), designated existing provisions as cl. (i) and inserted heading, substituted “Except as provided in clause (ii), in carrying” for “In carrying” in introductory provisions, redesignated former cls. (i) and (ii) as subcls. (I) and (II), respectively, of cl. (i) and realigned margins, and added cl. (ii).

Subsec. (e). Pub. L. 116-94 substituted “\$530,000,000” for “\$480,000,000”.

2018—Subsec. (e). Pub. L. 115-244 substituted “\$480,000,000” for “\$450,000,000”.

2016—Subsec. (e). Pub. L. 114-322 substituted “\$450,000,000” for “\$350,000,000”.

2015—Subsec. (e). Pub. L. 114-113 substituted “\$350,000,000” for “\$300,000,000”.

2014—Subsec. (e). Pub. L. 113-235 substituted “\$300,000,000” for “\$200,000,000”.

Statutory Notes and Related Subsidiaries

FUNDING

Pub. L. 114-322, title III, §4009(d), Dec. 16, 2016, 130 Stat. 1870, as amended by Pub. L. 116-260, div. FF, title XI, §1106(e), Dec. 27, 2020, 134 Stat. 3243, provided that: “Section 9504 of the Omnibus Public Land Management Act of 2009 (42 U.S.C. 10364) is amended in subsection (e) by striking ‘\$350,000,000’ and inserting ‘\$450,000,000’.”

[Amendment of section 4009(d) of Pub. L. 114-322, set out above, by section 1106(e) of div. FF of Pub. L. 116-260 struck out before period at end “on the condition that of that amount, \$50,000,000 of it is used to carry out section 206 of the Energy and Water Development and Related Agencies Appropriations Act, 2015 (43 U.S.C. 620 note; Public Law 113-235)’.]

§ 10365. Hydroelectric power assessment

(a) Duty of Secretary of Energy

The Secretary of Energy, in consultation with the Administrator of each Federal Power Marketing Administration, shall assess each effect of, and risk resulting from, global climate change with respect to water supplies that are required for the generation of hydroelectric power at each Federal water project that is applicable to a Federal Power Marketing Administration.

(b) Access to appropriate data

(1) In general

In carrying out each assessment under subsection (a), the Secretary of Energy shall consult 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 of Energy has access to the best available scientific information with respect to presently observed impacts and projected future impacts of global climate change on water supplies that are used to produce hydroelectric power.

(2) Access to data for certain assessments

In carrying out each assessment under subsection (a), with respect to the Bonneville Power Administration and the Western Area Power Administration, the Secretary of Energy shall consult with the Commissioner to access data and other information that—

- (A) is collected by the Commissioner; and
- (B) the Secretary of Energy determines to be necessary for the conduct of the assessment.

(c) Report

Not later than 2 years after March 30, 2009, and every 5 years thereafter, the Secretary of Energy 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—

(A) water supplies used for hydroelectric power generation; and

(B) power supplies marketed by each Federal Power Marketing Administration, pursuant to—

- (i) long-term power contracts;
- (ii) contingent capacity contracts; and
- (iii) short-term sales; and

(2) each recommendation of the Administrator of each Federal Power Marketing Administration relating to any change in any operation or contracting practice of each Federal Power Marketing Administration to address each effect and risk described in paragraph (1), including the use of purchased power to meet long-term commitments of each Federal Power Marketing Administration.

(d) Authority

The Secretary of Energy may enter into contracts, grants, or other agreements with appropriate entities to carry out this section.

(e) Costs

(1) Nonreimbursable

Any costs incurred by the Secretary of Energy in carrying out this section shall be non-reimbursable.

(2) PMA costs

Each Federal Power Marketing Administration shall incur costs in carrying out this section only to the extent that appropriated funds are provided by the Secretary of Energy for that purpose.

(f) Authorization of appropriations

There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2009 through 2023, to remain available until expended.

(Pub. L. 111-11, title IX, §9505, Mar. 30, 2009, 123 Stat. 1336.)

§ 10366. Climate change and water intragovernmental panel

(a) Establishment

The Secretary and the Administrator shall establish and lead a climate change and water intragovernmental panel—

(1) to review the current scientific understanding of each impact of global climate change on the quantity and quality of freshwater resources of the United States; and

(2) to develop any strategy that the panel determines to be necessary to improve observational capabilities, expand data acquisition, or take other actions—

(A) to increase the reliability and accuracy of modeling and prediction systems to benefit water managers at the Federal, State, and local levels; and

(B) to increase the understanding of the impacts of climate change on aquatic ecosystems.