

Subsec. (c)(4). Pub. L. 118-174, §2(5), substituted “2028” for “2019”.

Subsec. (d). Pub. L. 118-174, §2(4), redesignated subsec. (d) as (c).

§ 10368. National water availability and use assessment program

(a) Establishment

The Secretary, in coordination with the Advisory Committee and State and local water resource agencies, shall establish a national assessment program to be known as the “national water availability and use assessment program”—

- (1) to provide a more accurate assessment of the status of the water resources of the United States;
- (2) to assist in the determination of the quantity of water that is available for beneficial uses;
- (3) to assist in the determination of the quality of the water resources of the United States;
- (4) to identify long-term trends in water availability;
- (5) to use each long-term trend described in paragraph (4) to provide a more accurate assessment of the change in the availability of water in the United States; and
- (6) to develop the basis for an improved ability to forecast the availability of water for future economic, energy production, and environmental uses.

(b) Program elements

(1) Water use

In carrying out the assessment program, the Secretary shall conduct any appropriate activity to carry out an ongoing assessment of water use in hydrologic accounting units and major aquifer systems located in the United States, including—

- (A) the maintenance of a comprehensive national water use inventory to enhance the level of understanding with respect to the effects of spatial and temporal patterns of water use on the availability and sustainable use of water resources;
- (B) the incorporation of water use science principles, with an emphasis on applied research and statistical estimation techniques in the assessment of water use;
- (C) the integration of any dataset maintained by any other Federal or State agency into the dataset maintained by the Secretary; and
- (D) a focus on the scientific integration of any data relating to water use, water flow, or water quality to generate relevant information relating to the impact of human activity on water and ecological resources.

(2) Water availability

In carrying out the assessment program, the Secretary shall conduct an ongoing assessment of water availability by—

- (A) developing and evaluating nationally consistent indicators that reflect each status and trend relating to the availability of water resources in the United States, including—

- (i) surface water indicators, such as streamflow and surface water storage measures (including lakes, reservoirs, perennial snowfields, and glaciers);

- (ii) groundwater indicators, including groundwater level measurements and changes in groundwater levels due to—

- (I) natural recharge;
- (II) withdrawals;
- (III) saltwater intrusion;
- (IV) mine dewatering;
- (V) land drainage;
- (VI) artificial recharge; and
- (VII) other relevant factors, as determined by the Secretary; and

- (iii) impaired surface water and groundwater supplies that are known, accessible, and used to meet ongoing water demands;

(B) maintaining a national database of water availability data that—

- (i) is comprised of maps, reports, and other forms of interpreted data;
- (ii) provides electronic access to the archived data of the national database; and
- (iii) provides for real-time data collection; and

(C) developing and applying predictive modeling tools that integrate groundwater, surface water, and ecological systems.

(c) Grant program

(1) Authority of Secretary

The Secretary may provide grants to State water resource agencies to assist State water resource agencies in—

- (A) developing water use and availability datasets that are integrated with each appropriate dataset developed or maintained by the Secretary; or
- (B) integrating any water use or water availability dataset of the State water resource agency into each appropriate dataset developed or maintained by the Secretary.

(2) Criteria

To be eligible to receive a grant under paragraph (1), a State water resource agency shall demonstrate to the Secretary that the water use and availability dataset proposed to be established or integrated by the State water resource agency—

- (A) is in compliance with each quality and conformity standard established by the Secretary to ensure that the data will be capable of integration with any national dataset; and
- (B) will enhance the ability of the officials of the State or the State water resource agency to carry out each water management and regulatory responsibility of the officials of the State in accordance with each applicable law of the State.

(3) Maximum amount

The amount of a grant provided to a State water resource agency under paragraph (1) shall be an amount not more than \$250,000.

(d) Report

Not later than December 31, 2012, and every 5 years thereafter, the Secretary shall submit to

the appropriate committees of Congress a report that provides a detailed assessment of—

- (1) the current availability of water resources in the United States, including—
 - (A) historic trends and annual updates of river basin inflows and outflows;
 - (B) surface water storage;
 - (C) groundwater reserves; and
 - (D) estimates of undeveloped potential resources (including saline and brackish water and wastewater);
- (2) significant trends affecting water availability, including each documented or projected impact to the availability of water as a result of global climate change;
- (3) the withdrawal and use of surface water and groundwater by various sectors, including—
 - (A) the agricultural sector;
 - (B) municipalities;
 - (C) the industrial sector;
 - (D) thermoelectric power generators; and
 - (E) hydroelectric power generators;
- (4) significant trends relating to each water use sector, including significant changes in water use due to the development of new energy supplies;
- (5) significant water use conflicts or shortages that have occurred or are occurring; and
- (6) each factor that has caused, or is causing, a conflict or shortage described in paragraph (5).

(e) Authorization of appropriations

(1) In general

There is authorized to be appropriated to carry out subsections (a), (b), and (d) \$20,000,000 for each of fiscal years 2009 through 2023, to remain available until expended.

(2) Grant program

There is authorized to be appropriated to carry out subsection (c) \$12,500,000 for the period of fiscal years 2009 through 2013, to remain available until expended.

(Pub. L. 111–11, title IX, §9508, Mar. 30, 2009, 123 Stat. 1343.)

§ 10369. Research agreement authority

The Secretary may enter into contracts, grants, or cooperative agreements, for periods not to exceed 5 years, to carry out research within the Bureau of Reclamation.

(Pub. L. 111–11, title IX, §9509, Mar. 30, 2009, 123 Stat. 1346.)

§ 10370. Effect

(a) In general

Nothing in this chapter supersedes or limits any existing authority provided, or responsibility conferred, by any provision of law.

(b) Effect on State water law

(1) In general

Nothing in this chapter preempts or affects any—

- (A) State water law; or
- (B) interstate compact governing water.

(2) Compliance required

The Secretary shall comply with applicable State water laws in carrying out this chapter.

(Pub. L. 111–11, title IX, §9510, Mar. 30, 2009, 123 Stat. 1346.)

§ 10371. Water prediction and forecasting

(a) National Water Center

(1) Establishment

(A) In general

The Under Secretary of Commerce for Oceans and Atmosphere shall establish a center—

- (i) to serve as the research and operational center of excellence for hydrologic analyses, forecasting, and related decision support services within the National Oceanic and Atmospheric Administration and the National Weather Service; and
- (ii) to facilitate collaboration across Federal and State departments and agencies, academia, and the private sector on matters relating to water resources.

(B) Designation

The center established under subparagraph (A) shall be known as the ‘National Water Center’.

(2) Functions

The functions of the National Water Center shall include the following:

- (A) Improving understanding of water resources, stakeholder needs regarding water resources, and identifying science and services gaps relating to water resources.
- (B) Developing and implementing advanced water resources modeling capabilities.
- (C) Facilitating the transition of hydrologic research into operations.
- (D) Delivering analyses, forecasts, and inundation information and guidance for all hydrologic events in the United States, including flash flooding, riverine flooding, and water resources outlooks.
- (E) In coordination with warning coordination meteorologists, providing decision-support services to inform emergency management and water resources decisions.

(b) National instructions

(1) In general

Not later than one year after December 31, 2020, the Under Secretary, acting through the Director of the National Weather Service, shall make public an operations and services policy directive for the National Water Center.

(2) Contents

The directive required by paragraph (1) shall include national instructions to perform the functions of the National Water Center, including the following:

- (A) Operational staff responsibilities.
- (B) Guidelines for content, format, and provision of hydrologic and inundation products developed by the National Water Center.
- (C) Procedures for cooperation and coordination between the National Water Center, the National Weather Service National Centers for Environmental Prediction, National Weather Service River Forecast Centers, and