

bered year thereafter, the Under Secretary shall submit to Congress, and publish on the website of the Agency, a report of each activity of the Agency carried out under this chapter during the period covered by the report.

(b) Recommendations

The Under Secretary shall periodically submit to Congress and the President recommendations for legislation or other actions that the Under Secretary determines to be necessary or appropriate to promote the purposes of this chapter. (Pub. L. 117-58, div. K, title VII, §100705, Nov. 15, 2021, 135 Stat. 1466.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this division”, meaning div. K of Pub. L. 117-58, Nov. 15, 2021, 135 Stat. 1445, which is classified principally to this chapter. For complete classification of division K to the Code, see Short Title note set out under section 9501 of this title and Tables.

§ 9596. Separability

If a provision of this chapter, or the application of a provision of this chapter to any person or circumstance, is held by a court of competent jurisdiction to be invalid, that judgment—

- (1) shall not affect, impair, or invalidate—
 - (A) any other provision of this chapter; or
 - (B) the application of this chapter to any other person or circumstance; and
- (2) shall be confined in its operation to—
 - (A) the provision of this chapter with respect to which the judgment is rendered; or
 - (B) the application of the provision of this chapter to each person or circumstance directly involved in the controversy in which the judgment is rendered.

(Pub. L. 117-58, div. K, title VII, §100706, Nov. 15, 2021, 135 Stat. 1467.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this division”, meaning div. K of Pub. L. 117-58, Nov. 15, 2021, 135 Stat. 1445, which is classified principally to this chapter. For complete classification of division K to the Code, see Short Title note set out under section 9501 of this title and Tables.

§ 9597. Executive Order 11625

The powers and duties of the Agency shall be determined—

- (1) in accordance with this chapter and the requirements of this chapter; and
- (2) without regard to Executive Order 11625 (36 Fed. Reg. 19967; relating to prescribing additional arrangements for developing and coordinating a national program for minority business enterprise).

(Pub. L. 117-58, div. K, title VII, §100707, Nov. 15, 2021, 135 Stat. 1467.)

Editorial Notes

REFERENCES IN TEXT

Executive Order 11625, referred to in section catchline and par. (2), is Ex. Ord. No. 11625, Oct. 13, 1971, 36 F.R.

19967, which is set out as a note under section 631 of this title.

This chapter, referred to in par. (1), was in the original “this division”, meaning div. K of Pub. L. 117-58, Nov. 15, 2021, 135 Stat. 1445, which is classified principally to this chapter. For complete classification of division K to the Code, see Short Title note set out under section 9501 of this title and Tables.

§ 9598. Authorization of appropriations

There are authorized to be appropriated to the Under Secretary \$110,000,000 for each of fiscal years 2021 through 2025 to carry out this chapter, of which—

- (1) a majority shall be used in each such fiscal year to carry out the MBDA Business Center Program under part B of subchapter I, including the component of that program relating to specialty centers; and
- (2) \$20,000,000 shall be used in each such fiscal year to carry out subchapter III.

(Pub. L. 117-58, div. K, title VII, §100708, Nov. 15, 2021, 135 Stat. 1467.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this division”, meaning div. K of Pub. L. 117-58, Nov. 15, 2021, 135 Stat. 1445, which is classified principally to this chapter. For complete classification of division K to the Code, see Short Title note set out under section 9501 of this title and Tables.

CHAPTER 121—FLOOD LEVEL OBSERVATION, OPERATIONS, AND DECISION SUPPORT

Sec.

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§ 9701. Definitions

In this chapter:

(1) Administrator

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

(2) State

The term “State” means each State of the United States, the District of Columbia, the

Commonwealth of Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands of the United States, and any other territory or possession of the United States.

(Pub. L. 117-316, §2, Dec. 27, 2022, 136 Stat. 4406.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 117-316, Dec. 27, 2022, 136 Stat. 4406, known as the Flood Level Observation, Operations, and Decision Support Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

Statutory Notes and Related Subsidiaries

SHORT TITLE

Pub. L. 117-316, §1(a), Dec. 27, 2022, 136 Stat. 4406, provided that: “This Act [enacting this chapter and amending sections 8513, 8514, 8515, and 8521 of this title] may be cited as the ‘Flood Level Observation, Operations, and Decision Support Act’ or the ‘FLOODS Act’.”

§ 9702. National Integrated Flood Information System

(a) In general

The Administrator shall establish a system, to be known as the “National Integrated Flood Information System”, to better inform and provide for more timely decision making to reduce flood-related effects and costs.

(b) System functions

The Administrator, through the National Integrated Flood Information System, shall—

(1) provide an effective flood early warning system that—

(A) collects and integrates information on the key indicators of floods and flood impacts, including streamflow, reservoir release and diversion, precipitation, soil moisture, snow water equivalent, land cover, and evaporative demand;

(B) makes usable, reliable, and timely forecasts of floods;

(C) assesses the severity of flood conditions and effects;

(D) provides information described in subparagraph (A), forecasts described in subparagraph (B), and assessments described in subparagraph (C) at the national, regional, and local levels, as appropriate; and

(E) communicates flood forecasts, flood conditions, and flood impacts to appropriate entities engaged in flood planning, preparedness, and response and post-event flood extent, including—

(i) decision makers at the Federal, State, local, and Tribal levels of government; and

(ii) the public;

(2) provide timely data, information, and products that reflect differences in flood conditions among localities, regions, watersheds, and States;

(3) coordinate and integrate, through inter-agency agreements as practicable, Federal re-

search and monitoring in support of the flood early warning information system provided under paragraph (1);

(4) use existing forecasting and assessment programs and partnerships;

(5) make improvements in seasonal precipitation and temperature, subseasonal precipitation and temperature, and flood water prediction; and

(6) continue ongoing research and monitoring activities relating to floods, including research activities relating to—

(A) the prediction, length, severity, and impacts of floods and improvement of the accuracy, timing, and specificity of flash flood warnings;

(B) the role of extreme weather events and climate variability in floods; and

(C) how water travels over and through surfaces.

(c) Partnerships

The Administrator, through the National Integrated Flood Information System, may—

(1) engage with the private sector to improve flood monitoring, forecasts, land and topography data, and communication, if the Administrator determines that such engagement is appropriate, cost effective, and beneficial to the public and decision makers described in subsection (b)(1)(E)(i);

(2) facilitate the development of 1 or more academic cooperative partnerships to assist in carrying out the functions of the National Integrated Flood Information System described in subsection (b);

(3) use and support monitoring by citizen scientists, including by developing best practices to facilitate maximum data integration, as the Administrator considers appropriate;

(4) engage with, and leverage the resources of, entities within the National Oceanic and Atmospheric Administration in existence as of December 27, 2022, such as the National Weather Service with respect to forecast and warning functions, the National Integrated Drought Information System, the Regional Climate Center, and the National Mesonet Program, to improve coordination of water monitoring, forecasting, and management; and

(5) engage with and support water monitoring by the United States Geological Survey—

(A) to improve the availability and continuity of streamflow data at critical locations through the deployment of rapid deployment gages and the flood-hardening of at-risk streamflow gauges; and

(B) to increase storm surge monitoring data through the deployment of additional storm surge sensors.

(d) Consultation

In developing and maintaining the National Integrated Flood Information System, the Administrator shall consult with relevant Federal, State, local, and Tribal government agencies, research institutions, and the private sector.

(e) Cooperation from other Federal agencies

Each Federal agency shall cooperate as appropriate with the Administrator in carrying out this section.