

tration. Any employee of such a non-Federal asset or regional information coordination entity, while operating within the scope of his or her employment in carrying out the purposes of this chapter, with respect to tort liability, is deemed to be an employee of the Federal Government.

(f) Limitation

Nothing in this chapter shall be construed to invalidate existing certifications, contracts, or agreements between regional information coordination entities and other elements of the System.

(Pub. L. 111–11, title XII, §12304, Mar. 30, 2009, 123 Stat. 1429.)

REFERENCES IN TEXT

Section 14 of the Federal Advisory Committee Act, referred to in subsec. (d)(4)(E), is section 14 of Pub. L. 92–463, which is set out in the Appendix to Title 5, Government Organization and Employees.

§ 3604. Interagency financing and agreements

(a) In general

To carry out interagency activities under this chapter, the Secretary of Commerce may execute cooperative agreements, or any other agreements, with, and receive and expend funds made available by, any State or subdivision thereof, any Federal agency, or any public or private organization, or individual.

(b) Reciprocity

Member Departments and agencies of the Council shall have the authority to create, support, and maintain joint centers, and to enter into and perform such contracts, leases, grants, and cooperative agreements as may be necessary to carry out the purposes of this chapter and fulfillment of the System Plan.

(Pub. L. 111–11, title XII, §12305, Mar. 30, 2009, 123 Stat. 1434.)

§ 3605. Application with other laws

Nothing in this chapter supersedes or limits the authority of any agency to carry out its responsibilities and missions under other laws.

(Pub. L. 111–11, title XII, §12306, Mar. 30, 2009, 123 Stat. 1435.)

§ 3606. Report to Congress

(a) Requirement

Not later than 2 years after March 30, 2009, and every 2 years thereafter, the Administrator shall prepare and the President acting through the Council shall approve and transmit to the Congress a report on progress made in implementing this chapter.

(b) Contents

The report shall include—

(1) a description of activities carried out under this chapter and the System Plan;

(2) an evaluation of the effectiveness of the System, including an evaluation of progress made by the Council to achieve the goals identified under the System Plan;

(3) identification of Federal and non-Federal assets as determined by the Council that have

been integrated into the System, including assets essential to the gathering of required observation data variables necessary to meet the respective missions of Council agencies;

(4) a review of procurements, planned or initiated, by each Council agency to enhance, expand, or modernize the observation capabilities and data products provided by the System, including data management and communication subsystems;

(5) an assessment regarding activities to integrate Federal and non-Federal assets, nationally and on the regional level, and discussion of the performance and effectiveness of regional information coordination entities to coordinate regional observation operations;

(6) a description of benefits of the program to users of data products resulting from the System (including the general public, industries, scientists, resource managers, emergency responders, policy makers, and educators);

(7) recommendations concerning—

(A) modifications to the System; and

(B) funding levels for the System in subsequent fiscal years; and

(8) the results of a periodic external independent programmatic audit of the System.

(Pub. L. 111–11, title XII, §12307, Mar. 30, 2009, 123 Stat. 1435.)

§ 3607. Public-private use policy

The Council shall develop a policy within 6 months after March 30, 2009, that defines processes for making decisions about the roles of the Federal Government, the States, regional information coordination entities, the academic community, and the private sector in providing to end-user communities environmental information, products, technologies, and services related to the System. The Council shall publish the policy in the Federal Register for public comment for a period not less than 60 days. Nothing in this section shall be construed to require changes in policy in effect on March 30, 2009.

(Pub. L. 111–11, title XII, §12308, Mar. 30, 2009, 123 Stat. 1435.)

§ 3608. Independent cost estimate

Within 1 year after March 30, 2009, the Interagency Ocean Observation Committee, through the Administrator and the Director of the National Science Foundation, shall obtain an independent cost estimate for operations and maintenance of existing Federal assets of the System, and planned or anticipated acquisition, operation, and maintenance of new Federal assets for the System, including operation facilities, observation equipment, modeling and software, data management and communication, and other essential components. The independent cost estimate shall be transmitted unabridged and without revision by the Administrator to Congress.

(Pub. L. 111–11, title XII, §12309, Mar. 30, 2009, 123 Stat. 1436.)

§ 3609. Intent of Congress

It is the intent of Congress that funding provided to agencies of the Council to implement this chapter shall supplement, and not replace, existing sources of funding for other programs. It is the further intent of Congress that agencies of the Council shall not enter into contracts or agreements for the development or procurement of new Federal assets for the System that are estimated to be in excess of \$250,000,000 in life-cycle costs without first providing adequate notice to Congress and opportunity for review and comment.

(Pub. L. 111–11, title XII, §12310, Mar. 30, 2009, 123 Stat. 1436.)

§ 3610. Authorization of appropriations

There are authorized to be appropriated to the Secretary of Commerce for fiscal years 2009 through 2013 such sums as are necessary to fulfill the purposes of this chapter and support activities identified in the annual coordinated System budget developed by the Interagency Ocean Observation Committee and submitted to the Congress.

(Pub. L. 111–11, title XII, §12311, Mar. 30, 2009, 123 Stat. 1436.)

CHAPTER 50—FEDERAL OCEAN ACIDIFICATION RESEARCH AND MONITORING

Sec.	
3701.	Purposes.
3702.	Definitions.
3703.	Interagency Subcommittee.
3704.	Strategic research plan.
3705.	NOAA ocean acidification activities.
3706.	NSF ocean acidification activities.
3707.	NASA ocean acidification activities.
3708.	Authorization of appropriations.

§ 3701. Purposes

(a) Purposes

The purposes of this chapter are to provide for—

- (1) development and coordination of a comprehensive interagency plan to—
 - (A) monitor and conduct research on the processes and consequences of ocean acidification on marine organisms and ecosystems; and
 - (B) establish an interagency research and monitoring program on ocean acidification;
- (2) establishment of an ocean acidification program within the National Oceanic and Atmospheric Administration;
- (3) assessment and consideration of regional and national ecosystem and socioeconomic impacts of increased ocean acidification; and
- (4) research adaptation strategies and techniques for effectively conserving marine ecosystems as they cope with increased ocean acidification.

(Pub. L. 111–11, title XII, §12402, Mar. 30, 2009, 123 Stat. 1436.)

SHORT TITLE

Pub. L. 111–11, title XII, §12401, Mar. 30, 2009, 123 Stat. 1436, provided that: “This subtitle [subtitle D

(§§12401–12409) of title XII of Pub. L. 111–11, enacting this chapter] may be cited as the ‘Federal Ocean Acidification Research And Monitoring Act of 2009’ or the ‘FOARAM Act.’”

§ 3702. Definitions

In this chapter:

(1) Ocean acidification

The term “ocean acidification” means the decrease in pH of the Earth’s oceans and changes in ocean chemistry caused by chemical inputs from the atmosphere, including carbon dioxide.

(2) Secretary

The term “Secretary” means the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration.

(3) Subcommittee

The term “Subcommittee” means the Joint Subcommittee on Ocean Science and Technology of the National Science and Technology Council.

(Pub. L. 111–11, title XII, §12403, Mar. 30, 2009, 123 Stat. 1437.)

§ 3703. Interagency Subcommittee

(a) Designation

(1) In general

The Joint Subcommittee on Ocean Science and Technology of the National Science and Technology Council shall coordinate Federal activities on ocean acidification and establish an interagency working group.

(2) Membership

The interagency working group on ocean acidification shall be comprised of senior representatives from the National Oceanic and Atmospheric Administration, the National Science Foundation, the National Aeronautics and Space Administration, the United States Geological Survey, the United States Fish and Wildlife Service, and such other Federal agencies as appropriate.

(3) Chairman

The interagency working group shall be chaired by the representative from the National Oceanic and Atmospheric Administration.

(b) Duties

The Subcommittee shall—

- (1) develop the strategic research and monitoring plan to guide Federal research on ocean acidification required under section 3704 of this title and oversee the implementation of the plan;
- (2) oversee the development of—
 - (A) an assessment of the potential impacts of ocean acidification on marine organisms and marine ecosystems; and
 - (B) adaptation and mitigation strategies to conserve marine organisms and ecosystems exposed to ocean acidification;
- (3) facilitate communication and outreach opportunities with nongovernmental organiza-