

**(D) Appointment**

Members of the System advisory committee shall be appointed as special Government employees for purposes of section 202(a) of title 18.

**(4) Administrative provisions****(A) Reporting**

The System advisory committee shall report to the Administrator and the Interagency Ocean Observing Committee, as appropriate.

**(B) Administrative support**

The Administrator shall provide administrative support to the System advisory committee.

**(C) Meetings**

The System advisory committee shall meet at least once each year, and at other times at the call of the Administrator, the Interagency Ocean Observing Committee, or the chairperson.

**(D) Compensation and expenses**

Members of the System advisory committee shall not be compensated for service on that Committee, but may be allowed travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5.

**(E) Expiration**

Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the System advisory committee.

**(e) Civil liability**

For purposes of determining liability arising from the dissemination and use of observation data gathered pursuant to this section, any non-Federal asset or regional information coordination entity incorporated into the System by contract, lease, grant, or cooperative agreement under subsection (c)(3)(D) that is participating in the System shall be considered to be part of the National Oceanic and Atmospheric Administration. 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 ex-

ecute 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.