

tion 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 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.)

### § 3611. Assessing and modeling named storms over coastal States

#### (a) Definitions

In this section:

##### (1) COASTAL Formula

The term “COASTAL Formula” has the meaning given the term in section 4057(a) of title 42.

##### (2) Coastal State

The term “coastal State” has the meaning given the term “coastal state” in section 1453 of title 16.

##### (3) Coastal waters

The term “coastal waters” has the meaning given the term in such section.

##### (4) Covered data

The term “covered data” means, with respect to a named storm identified by the Administrator under subsection (b)(2)(A), empirical data that are—

(A) collected before, during, or after such storm; and

(B) necessary to determine magnitude and timing of wind speeds, rainfall, the barometric pressure, river flows, the extent, height, and timing of storm surge, topographic and bathymetric data, and other measures required to accurately model and assess damage from such storm.

##### (5) Indeterminate loss

The term “indeterminate loss” has the meaning given the term in section 4057(a) of title 42.

#### (6) Named storm

The term “named storm” means any organized weather system with a defined surface circulation and maximum winds of at least 39 miles per hour which the National Hurricane Center of the United States National Weather Service names as a tropical storm or a hurricane.

#### (7) Named Storm Event Model

The term “Named Storm Event Model” means the official meteorological and oceanographic computerized model, developed by the Administrator under subsection (b)(1)(A), which utilizes covered data to replicate the magnitude, timing, and spatial variations of winds, rainfall, and storm surges associated with named storms that threaten any portion of a coastal State.

#### (8) Participant

The term “participant” means a Federal, State, or private entity that chooses to cooperate with the Administrator in carrying out the provisions of this section by collecting, contributing, and maintaining covered data.

#### (9) Post-storm assessment

The term “post-storm assessment” means a scientific assessment produced and certified by the Administrator to determine the magnitude, timing, and spatial variations of winds, rainfall, and storm surges associated with a specific named storm to be used in the COASTAL Formula.

#### (10) State

The term “State” means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

#### (b) Named Storm Event Model and post-storm assessment

##### (1) Establishment of Named Storm Event Model

###### (A) In general

Not later than 540 days after July 6, 2012, the Administrator shall develop by regulation the Named Storm Event Model.

###### (B) Accuracy

The Named Storm Event Model shall be designed to generate post-storm assessments, as provided in paragraph (2), that have a degree of accuracy of not less than 90 percent for every indeterminate loss for which a post-storm assessment is utilized.

##### (2) Post-storm assessment

###### (A) Identification of named storms threatening coastal States

After the establishment of the COASTAL Formula, the Administrator shall, in consultation with the Secretary of Homeland Security, identify named storms that may reasonably constitute a threat to any portion of a coastal State.

###### (B) Post-storm assessment required

Upon identification of a named storm under subparagraph (A), the Administrator