

(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