

(3) Members**(A) In general**

The System advisory committee shall be composed of members appointed by the Administrator. Members shall be qualified by education, training, and experience to evaluate scientific and technical information related to the design, operation, maintenance, or use of the System, or use of data products provided through the System.

(B) Terms of service

The Administrator may stagger the terms of the System advisory committee members. Members shall be appointed for 3-year terms, renewable once. A vacancy appointment shall be for the remainder of the unexpired term of the vacancy, and an individual so appointed may subsequently be appointed for 2 full 3-year terms if the remainder of the unexpired term is less than 1 year.

(C) Chairperson

The Administrator shall designate a chairperson from among the members of the System advisory committee.

(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, 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 Observation 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 coastal observing system incorporated into the System by a memorandum of agreement of certification under subsection (c)(3)(C)(iii) 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 coastal observing system, 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 coastal observing systems and other elements of the System.

(Pub. L. 111–11, title XII, §12304, Mar. 30, 2009, 123 Stat. 1429; Pub. L. 116–271, title I, §103, Dec. 31, 2020, 134 Stat. 3333.)

Editorial Notes

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.

AMENDMENTS

2020—Subsec. (b)(1). Pub. L. 116–271, §103(a)(1), added par. (1) and struck out former par. (1) which related to the general elements of the System.

Subsec. (b)(3). Pub. L. 116–271, §103(a)(2), inserted “for research and for use in the development of products to address societal needs” before period at end.

Subsec. (b)(4). Pub. L. 116–271, §103(e), substituted “regional coastal observing systems” for “regional information coordination entities”.

Subsec. (c)(2) to (4). Pub. L. 116–271, §103(b), added pars. (2) to (4) and struck out former pars. (2) to (4) which related, respectively, to the Interagency Ocean Observation Committee, the National Oceanic and Atmospheric Administration as the lead agency, and regional information coordination entities.

Subsec. (d)(1). Pub. L. 116–271, §103(c)(1), substituted “or the Council under this chapter” for “or the Interagency Ocean Observing Committee.”

Subsec. (d)(2)(A). Pub. L. 116–271, §103(c)(2)(A), inserted “, data sharing,” after “data management”.

Subsec. (d)(2)(D), (E). Pub. L. 116–271, §103(c)(2)(B), (C), added subpars. (D) and (E) and struck out former subpar. (D) which read as follows: “any other purpose identified by the Administrator or the Interagency Ocean Observing Committee.”

Subsec. (d)(3)(B). Pub. L. 116–271, §103(c)(2)(D), inserted “The Administrator may stagger the terms of the System advisory committee members.” before “Members”.

Subsec. (d)(4)(A). Pub. L. 116–271, §103(c)(2)(E)(i), struck out “and the Interagency Ocean Observing Committee” after “Administrator”.

Subsec. (d)(4)(C). Pub. L. 116–271, §103(c)(2)(E)(ii), substituted “Observation” for “Observing”.

Subsec. (e). Pub. L. 116–271, §103(d), substituted “coastal observing system” for “information coordination entity” in two places and “a memorandum of agreement of certification under subsection (c)(3)(C)(iii)” for “contract, lease, grant, or cooperative agreement under subsection (c)(3)(D)”.

Subsec. (f). Pub. L. 116–271, §103(e), substituted “regional coastal observing systems” for “regional information coordination entities”.

§ 3604. Interagency financing and agreements**(a) In general**

The Secretary of Commerce may execute an agreement, on a reimbursable or nonreimbursable basis, with any State or subdivision thereof, any Federal agency, any public or private or-

ganization, or any individual to carry out activities under this chapter.

(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; Pub. L. 116–271, title I, §104, Dec. 31, 2020, 134 Stat. 3339.)

Editorial Notes

AMENDMENTS

2020—Subsec. (a). Pub. L. 116–271 amended subsec. (a) generally. Prior to amendment, text read as follows: “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.”

§ 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 March 30, 2022, and every 5 years thereafter, the Administrator shall prepare, and the President acting through the Council shall approve and transmit to Congress, a report on progress made in implementing this chapter.

(b) Contents

Each report required under subsection (a) 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) the 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 department or agency represented on the Council to enhance, expand, or modernize the observation capabilities and data products provided by the System, including data management and communication subsystems;

(5) a summary of the existing gaps in observation infrastructure and monitoring data collection, including—

(A) priorities considered by the System advisory committee;

(B) the national sea surface current mapping network;

(C) coastal buoys;

(D) ocean chemistry monitoring;

(E) marine sound monitoring; and

(F) unmanned maritime systems technology gaps;

(6) 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 coastal observing systems to coordinate regional observation operations;

(7) 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);

(8) recommendations, if any, concerning—

(A) modifications to the System; and

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

(9) 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; Pub. L. 116–271, title I, §105, Dec. 31, 2020, 134 Stat. 3339.)

Editorial Notes

AMENDMENTS

2020—Pub. L. 116–271 amended section generally. Prior to amendment, section required that no later than 2 years after March 30, 2009, and every 2 years thereafter, the Administrator was to prepare and the President acting through the Council was to approve and transmit to Congress a report on progress made in implementing this chapter.

§ 3607. Public-private use policy

The Council shall maintain a policy that defines processes for making decisions about the roles of the Federal Government, the States, regional coastal observing systems, the academic community, and the private sector in providing to end-user communities environmental information, products, technologies, and services related to the System. The Administrator shall ensure that the National Oceanic and Atmospheric Administration adheres to the decision making process developed by the Council regarding the roles of the Federal Government, the States, the regional coastal observing systems, the academic community, and the private sector in providing end-user communities environmental information, data products, technologies, and services related to the System.

(Pub. L. 111–11, title XII, §12308, Mar. 30, 2009, 123 Stat. 1435; Pub. L. 116–271, title I, §106, Dec. 31, 2020, 134 Stat. 3340.)

Editorial Notes

AMENDMENTS

2020—Pub. L. 116–271 amended section generally. Prior to amendment, section required the Council to develop a public-private use policy within 6 months after March 30, 2009.