

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.

**§ 3608. Repealed. Pub. L. 116–271, title I, § 107(a), Dec. 31, 2020, 134 Stat. 3341**

Section, Pub. L. 111–11, title XII, § 12309, Mar. 30, 2009, 123 Stat. 1436, related to independent cost estimates to be sent to Congress within 1 year after Mar. 30, 2009.

**§ 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 to support the integrated oceans observations under this chapter—

- (1) \$48,000,000 for fiscal year 2021;
- (2) \$50,000,000 for fiscal year 2022;
- (3) \$52,000,000 for fiscal year 2023;
- (4) \$54,000,000 for fiscal year 2024; and
- (5) \$56,000,000 for fiscal year 2025.

(Pub. L. 111–11, title XII, § 12311, Mar. 30, 2009, 123 Stat. 1436; Pub. L. 116–271, title I, § 108, Dec. 31, 2020, 134 Stat. 3341.)

**Editorial Notes**

AMENDMENTS

2020—Pub. L. 116–271 amended section generally. Prior to amendment, section related to authorization of appropriations for fiscal years 2009 to 2013.

**§ 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, except that the term shall not apply with respect to a State or territory that has an operational wind and flood loss allocation system.

**(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 sustained 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 for which post-storm assessments are conducted.

**(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 December 31, 2020, the Administrator shall develop 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 an indeterminate loss for which a post-storm assessment is utilized.

**(C) Public review**

The Administrator shall seek input and suggestions from the public before the