

gional 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; Pub. L. 117–286, § 4(a)(209), Dec. 27, 2022, 136 Stat. 4329.)

**Editorial Notes**

AMENDMENTS

2022—Subsec. (d)(4)(E). Pub. L. 117–286 substituted “Section 1013 of title 5” for “Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.)”.

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 organization, 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, sup-

port, 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