

§ 883k. Acquisition of land for facilities

For fiscal year 1990 and hereafter funds appropriated under this heading shall be available for acquisition of land for facilities.

(Pub. L. 101-162, title I, Nov. 21, 1989, 103 Stat. 992.)

REFERENCES IN TEXT

Funds appropriated under this heading, referred to in text, refers to funds appropriated under the headings "NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION" and "OPERATIONS, RESEARCH, AND FACILITIES" of title I, "Department of Commerce", of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1990, Pub. L. 101-162.

§ 883l. Contracts for surveying and mapping services

On and after February 20, 2003, the Secretary of Commerce may award contracts for hydrographic, geodetic, and photogrammetric surveying and mapping services in accordance with title IX of the Federal Property and Administrative Services Act of 1949.¹

(Pub. L. 108-7, div. B, title II, §206, Feb. 20, 2003, 117 Stat. 77.)

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, referred to in text, is act June 30, 1949, ch. 288, 63 Stat. 377. Title IX of the Act, which was classified generally to subchapter VI (§541 et seq.) of chapter 10 of former Title 40, Public Buildings, Property, and Works, was repealed and reenacted by Pub. L. 107-217, §§1, 6(b), Aug. 21, 2002, 116 Stat. 1062, 1304, as chapter 11 (§1101 et seq.) of Title 40, Public Buildings, Property, and Works. For disposition of sections of former Title 40 to revised Title 40, see Table preceding section 101 of Title 40. For complete classification of this Act to the Code, see Tables.

PRIOR PROVISIONS

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 107-77, title II, § 206, Nov. 28, 2001, 115 Stat. 778.

Pub. L. 106-553, §1(a)(2) [title II, §207], Dec. 21, 2000, 114 Stat. 2762, 2762A-79.

Pub. L. 106-113, div. B, §1000(a)(1) [title II, §208], Nov. 29, 1999, 113 Stat. 1535, 1501A-32.

Pub. L. 105-277, div. A, §101(b) [title II, §208], Oct. 21, 1998, 112 Stat. 2681-50, 2681-87.

Pub. L. 105-119, title II, §208, Nov. 26, 1997, 111 Stat. 2480.

Pub. L. 104-208, div. A, title I, §101(a) [title II, §209], Sept. 30, 1996, 110 Stat. 3009, 3009-41.

Pub. L. 104-134, title I, §101(a) [title II, §212], Apr. 26, 1996, 110 Stat. 1321, 1321-32.

§ 884. Power to use books, maps, etc., and to employ persons

The President is authorized, in executing the provisions of title 56 of the Revised Statutes relating to the coast survey, to use all maps, charts, books, instruments, and apparatus belonging to the United States, and to direct where the same shall be deposited, and to employ all persons in the land or naval service of the United States, and such astronomers and other persons as he shall deem proper.

(R.S. §4685.)

¹ See References in Text note below.

REFERENCES IN TEXT

Title 56 of the Revised Statutes, referred to in text, was in the original "this Title", meaning title 56 of the Revised Statutes, consisting of R.S. §§4681 to 4691 of the Revised Statutes, which are classified to sections 881 to 883 and 884 to 888 of this title. For complete classification of R.S. §§4681 to 4691 to the Code, see Tables.

CODIFICATION

Section was not enacted as part of act Aug. 6, 1947, ch. 504, 61 Stat. 787, which comprises this subchapter.

R.S. §4685 derived from act July 10, 1832, ch. 191, §2, 4 Stat. 571.

§ 885. Repealed. Aug. 6, 1947, ch. 504, § 10(6), 61 Stat. 788

Section, R.S. §4686, related to use of public vessels on coast surveys. See section 883h of this title.

§§ 886, 887. Repealed. June 21, 1955, ch. 172, § 5(1), (2), 69 Stat. 170

Section 886, R.S. §4687, related to employment of officers of Army and Navy in the work of surveying the coast of the United States.

Section 887, R.S. §4688; acts Aug. 30, 1890, ch. 837, §1, 26 Stat. 382; June 5, 1920, ch. 235, §1, 41 Stat. 929, provided for allowance for subsistence to officers of Army and Navy while employed on coast survey service.

ADDITIONAL REPEAL

Sections were also repealed by act Aug. 10, 1956, ch. 1041, §53, 70A Stat. 641. Section 49(a) of act Aug. 10, 1956, provided in part that laws effective after Mar. 31, 1955, inconsistent with that act, should be considered as superseding it to the extent of the inconsistency.

§ 888. Omitted

CODIFICATION

Section, R.S. §§264, 4690; acts Feb. 14, 1903, ch. 552, §§4, 10, 32 Stat. 826, 829; Mar. 4, 1913, ch. 141, §1, 37 Stat. 736; June 5, 1920, ch. 235, §1, 41 Stat. 929, relating to an annual statement on coast surveys by the Coast and Geodetic Survey [now the National Ocean Survey], was partially repealed by acts May 29, 1928, ch. 901, §1(104), 45 Stat. 994; Aug. 7, 1946, ch. 770, §1(5), 60 Stat. 866; and Aug. 30, 1954, ch. 1076, §1(13), 68 Stat. 967.

§§ 889, 890. Repealed. June 21, 1955, ch. 172, § 5(5), 69 Stat. 170

Section 889, acts Mar. 4, 1909, ch. 313, §1, 35 Stat. 1064; Mar. 4, 1913, ch. 141, §1, 37 Stat. 736, authorized cooperation with North Carolina State Fish Commission in survey of waters of State.

Section 890, acts Mar. 4, 1909, ch. 313, §2, 35 Stat. 1065; Mar. 4, 1913, ch. 141, §1, 37 Stat. 736, provided for marking triangulation points of North Carolina survey.

SUBCHAPTER III—NOAA FLEET
MODERNIZATION**§ 891. Definitions**

In this subchapter, the term—

(1) "NOAA" means the National Oceanic and Atmospheric Administration within the Department of Commerce.

(2) "NOAA fleet" means the fleet of research vessels owned or operated by NOAA.

(3) "Plan" means the NOAA Fleet Replacement and Modernization Plan described in section 891b of this title.

(4) "Secretary" means the Secretary of Commerce.

(5) "UNOLS" means University-National Oceanographic Laboratory System.

(Pub. L. 102-567, title VI, § 602, Oct. 29, 1992, 106 Stat. 4299.)

SHORT TITLE

For short title of this subchapter as the “NOAA Fleet Modernization Act”, see section 601 of Pub. L. 102-567, set out as a Short Title of 1992 Amendment note under section 851 of this title.

§ 891a. Fleet replacement and modernization program

The Secretary is authorized to implement, subject to the requirements of this subchapter, a 15-year program to replace and modernize the NOAA fleet.

(Pub. L. 102-567, title VI, § 603, Oct. 29, 1992, 106 Stat. 4300.)

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original “this Act”, and was translated as reading “this title”, meaning title VI of Pub. L. 102-567, which enacted this subchapter, to reflect the probable intent of Congress.

§ 891b. Fleet replacement and modernization Plan

(a) In general

To carry out the program authorized in section 891a of this title, the Secretary shall develop and submit to Congress a replacement and modernization Plan for the NOAA fleet covering the years authorized under section 891h of this title.

(b) Timing

The Plan required in subsection (a) of this section shall be submitted to Congress within 30 days of October 29, 1992, and updated on an annual basis.

(c) Plan elements

The Plan required in subsection (a) of this section shall include the following—

- (1) the number of vessels proposed to be modernized or replaced, the schedule for their modernization or replacement, and anticipated funding requirements;
- (2) the number of vessels proposed to be constructed, leased, or chartered;
- (3) the number of vessels, or days at sea, that can be obtained by using the vessels of the UNOLS;
- (4) the number of vessels that will be made available to NOAA by the Secretary of the Navy, or any other federal¹ official, and the terms and conditions for their availability;
- (5) the proposed acquisition of modern scientific instrumentation for the NOAA fleet, including acoustic systems, data transmission positioning and communication systems, physical, chemical, and meteorological oceanographic systems, and data acquisition and processing systems; and
- (6) the appropriate role of the NOAA Corps in operating and maintaining the NOAA fleet.

(d) Contracting limitation

The Secretary may not enter into any contract for the construction, lease, or service life

extension of a vessel of the NOAA fleet before the date of the submission to Congress of the Plan required in subsection (a) of this section.

(Pub. L. 102-567, title VI, § 604, Oct. 29, 1992, 106 Stat. 4300.)

FISHERY SURVEY VESSEL ACQUISITION

Pub. L. 106-450, title III, Nov. 7, 2000, 114 Stat. 1945, provided that:

“SEC. 301. SHORT TITLE.

“This title may be cited as the ‘Fisheries Survey Vessel Authorization Act of 2000’.

“SEC. 302. ACQUISITION OF FISHERY SURVEY VESSELS.

“(a) IN GENERAL.—The Secretary, subject to the availability of appropriations, may in accordance with this section acquire, by purchase, lease, lease-purchase, or charter, and equip up to six fishery survey vessels in accordance with this section.

“(b) VESSEL REQUIREMENTS.—Any vessel acquired and equipped under this section must—

“(1) be capable of—

“(A) staying at sea continuously for at least 30 days;

“(B) conducting fishery population surveys using hydroacoustic, longlining, deep water, and pelagic trawls, and other necessary survey techniques; and

“(C) conducting other work necessary to provide fishery managers with the accurate and timely data needed to prepare and implement fishery management plans; and

“(2) have a hull that meets the International Council for Exploration of the Sea standard regarding acoustic quietness.

“(c) AUTHORIZATION.—To carry out this section there are authorized to be appropriated to the Secretary \$60,000,000 for each of fiscal years 2002 and 2003.”

DEACTIVATION OF NOAA RESEARCH VESSELS

Pub. L. 102-567, title IV, § 401(b)(4), Oct. 29, 1992, 106 Stat. 4291, provided that:

“(A) Unless necessary for safety reasons, the Secretary of Commerce shall not deactivate the ALBATROSS IV (if active), until an equivalent replacement vessel is operational.

“(B) The Secretary of Commerce shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries [now Committee on Science, Space, and Technology] of the House of Representatives 60 days prior to the proposed deactivation of any other research vessel of the National Oceanic and Atmospheric Administration, if an equivalent replacement vessel will not become operational at the time of deactivation.”

§ 891c. Design of NOAA vessels

(a) Design requirement

Except for the vessel designs identified under subsection (b) of this section, the Secretary, working through the Office of the NOAA Corps Operations and the Systems Procurement Office, shall—

(1) prepare requirements for each class of vessel to be constructed or converted under the Plan; and

(2) contract competitively from nongovernmental entities with expertise in shipbuilding for vessel design and construction based on the requirements for each class of vessel to be acquired.

(b) Exception

The Secretary shall—

¹ So in original. Probably should be capitalized.