

conversion shall be conducted in accordance with this subchapter.

(Pub. L. 102-567, title VI, §610, Oct. 29, 1992, 106 Stat. 4303.)

SUBCHAPTER IV—NOAA HYDROGRAPHIC SERVICES

§ 892. Definitions

In this subchapter:

(1) Administrator

The term “Administrator” means the Administrator of the National Oceanic and Atmospheric Administration.

(2) Administration

The term “Administration” means the National Oceanic and Atmospheric Administration.

(3) Hydrographic data

The term “hydrographic data” means information that—

(A) is acquired through—

(i) hydrographic, bathymetric, photogrammetric, lidar, radar, remote sensing, or shoreline and other ocean- and coastal-related surveying;

(ii) geodetic, geospatial, or geomagnetic measurements;

(iii) tide, water level, and current observations; or

(iv) other methods; and

(B) is used in providing hydrographic services.

(4) Hydrographic services

The term “hydrographic services” means—

(A) the management, maintenance, interpretation, certification, and dissemination of bathymetric, hydrographic, shoreline, geodetic, geospatial, geomagnetic, and tide, water level, and current information, including the production of nautical charts, nautical information databases, and other products derived from hydrographic data;

(B) the development of nautical information systems; and

(C) related activities.

(5) Coast and Geodetic Survey Act

The term “Coast and Geodetic Survey Act” means the Act entitled “An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes”, approved August 6, 1947 (33 U.S.C. 883a et seq.).

(Pub. L. 105-384, title III, §302, Nov. 13, 1998, 112 Stat. 3454; Pub. L. 107-372, title I, §102, Dec. 19, 2002, 116 Stat. 3079; Pub. L. 110-386, §2, Oct. 10, 2008, 122 Stat. 4106.)

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original “this title”, meaning title III of Pub. L. 105-384, Nov. 13, 1998, 112 Stat. 3454, which is classified principally to this subchapter. For complete classification of this title to the Code, see Short Title of 1998 Amendment note set out under section 851 of this title and Tables.

Act of August 6, 1947, referred to in par. (5), is act Aug. 6, 1947, ch. 504, 61 Stat. 787, as amended, which is

classified generally to subchapter II of this chapter. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

2008—Pars. (3) to (5). Pub. L. 110-386, which directed the amendment of section “303 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892)” by adding pars. (3) to (5) and striking out former pars. (3) to (5), was executed to this section, which is section 302 of the Hydrographic Services Improvement Act of 1998, to reflect the probable intent of Congress. Prior to amendment, pars. (3) to (5) defined the terms “hydrographic data”, “hydrographic services”, and “Act of 1947”, respectively.

2002—Par. (3). Pub. L. 107-372, §102(1), inserted “, geospatial, or geomagnetic” after “geodetic”.

Par. (4). Pub. L. 107-372, §102(2), inserted “geospatial, geomagnetic,” after “geodetic,”.

SHORT TITLE

For short title of this subchapter as the “Hydrographic Services Improvement Act of 1998”, see section 301 of Pub. L. 105-384, set out as a Short Title of 1998 Amendment note under section 851 of this title.

§ 892a. Functions of the Administrator

(a) Responsibilities

To fulfill the data gathering and dissemination duties of the Administration under the Coast and Geodetic Survey Act, promote safe, efficient and environmentally sound marine transportation, and otherwise fulfill the purposes of this subchapter, the Administrator shall—

(1) acquire and disseminate hydrographic data and provide hydrographic services;

(2) promulgate standards for hydrographic data used by the Administration in providing hydrographic services;

(3) promulgate standards for hydrographic services provided by the Administration;

(4) ensure comprehensive geographic coverage of hydrographic services, in cooperation with other appropriate Federal agencies;

(5) maintain a national database of hydrographic data, in cooperation with other appropriate Federal agencies;

(6) provide hydrographic services in uniform, easily accessible formats;

(7) participate in the development of, and implement for the United States in cooperation with other appropriate Federal agencies, international standards for hydrographic data and hydrographic services; and

(8) to the greatest extent practicable and cost-effective, fulfill the requirements of paragraphs (1) and (6) through contracts or other agreements with private sector entities.

(b) Authorities

To fulfill the data gathering and dissemination duties of the Administration under the Coast and Geodetic Survey Act, promote safe, efficient, and environmentally sound marine transportation, and otherwise fulfill the purposes of this subchapter, subject to the availability of appropriations, the Administrator—

(1) may procure, lease, evaluate, test, develop, and operate vessels, equipment, and technologies necessary to ensure safe navigation and maintain operational expertise in hydrographic data acquisition and hydrographic services;

(2) shall, subject to the availability of appropriations, design, install, maintain, and operate real-time hydrographic monitoring systems to enhance navigation safety and efficiency; and¹

(3) where appropriate and to the extent that it does not detract from the promotion of safe and efficient navigation, may acquire hydrographic data and provide hydrographic services to support the conservation and management of coastal and ocean resources;

(4) where appropriate, may acquire hydrographic data and provide hydrographic services to save and protect life and property and support the resumption of commerce in response to emergencies, natural and man-made disasters, and homeland security and maritime domain awareness needs, including obtaining mission assignments (as defined in section 741 of title 6);

(5) may create, support, and maintain such joint centers with other Federal agencies and other entities as the Administrator deems appropriate or necessary to carry out the purposes of this subchapter; and

(6) notwithstanding the existence of such joint centers, shall award contracts for the acquisition of hydrographic data in accordance with subchapter VI of chapter 10 of title 40.²

(c) Conservation and management of coastal and ocean resources

Where appropriate and to the extent that it does not detract from the promotion of safe and efficient navigation, the Secretary may use hydrographic data and services to support the conservation and management of coastal and ocean resources.

(Pub. L. 105-384, title III, §303, Nov. 13, 1998, 112 Stat. 3454; Pub. L. 107-372, title I, §103, Dec. 19, 2002, 116 Stat. 3079; Pub. L. 110-386, §3, Oct. 10, 2008, 122 Stat. 4107.)

REFERENCES IN TEXT

This subchapter, referred to in subsecs. (a) and (b), was in the original “this Act”, and was translated, to reflect the probable intent of Congress, as reading “this title”, meaning title III of Pub. L. 105-384, Nov. 13, 1998, 112 Stat. 3454, known as the Hydrographic Services Improvement Act of 1998, which is classified principally to this subchapter. For complete classification of title III to the Code, see Short Title of 1998 Amendment note set out under section 851 of this title and Tables.

Subchapter VI of chapter 10 of title 40, referred to in subsec. (b)(6), probably means title IX of the Federal Property and Administrative Services Act of 1949, act June 30, 1949, ch. 288, as added Pub. L. 92-582, Oct. 27, 1972, 86 Stat. 1278. 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 act June 30, 1949, to the Code, see Tables.

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-386, §3(1), substituted “the Coast and Geodetic Survey Act, promote safe, effi-

cient and environmentally sound marine transportation, and otherwise fulfill the purposes of this subchapter,” for “the Act of 1947,” in introductory provisions.

Subsec. (a)(1). Pub. L. 110-386, §3(2), substituted “data and provide hydrographic services;” for “data;”.

Subsec. (b). Pub. L. 110-386, §3(3), added subsec. (b) and struck out former subsec. (b) which related to actions of Administrator to fulfill data gathering and dissemination duties of the Administration under the Act of 1947.

2002—Subsec. (b)(4). Pub. L. 107-372, §103(a), amended par. (4) generally. Prior to amendment, par. (4) read as follows: “may design and install where appropriate Physical Oceanographic Real-Time Systems to enhance navigation safety and efficiency.”

Subsec. (c). Pub. L. 107-372, §103(b), added subsec. (c).

HYDROGRAPHIC SURVEY

Pub. L. 106-541, title V, §554, Dec. 11, 2000, 114 Stat. 2679, provided that: “The Secretary [of the Army] shall enter into an agreement with the Administrator of the National Oceanic and Atmospheric Administration—

“(1) to require the Secretary, not later than 60 days after the Corps of Engineers completes a project involving dredging of a channel, to provide data to the Administration in a standard digital format on the results of a hydrographic survey of the channel conducted by the Corps of Engineers; and

“(2) to require the Administrator to provide the final charts with respect to the project to the Secretary in digital format, at no charge, for the purpose of enhancing the mission of the Corps of Engineers of maintaining Federal navigation projects.”

§ 892b. Quality assurance program

(a) Definition

For purposes of this section, the term “hydrographic product” means any publicly or commercially available product produced by a non-Federal entity that includes or displays hydrographic data.

(b) Program

(1) In general

The Administrator—

(A) by not later than 2 years after December 19, 2002, shall, subject to the availability of appropriations, develop and implement a quality assurance program that is equally available to all applicants, under which the Administrator may certify hydrographic products that satisfy the standards promulgated by the Administrator under section 892a(a)(3) of this title;

(B) may authorize the use of the emblem or any trademark of the Administration on a hydrographic product certified under subparagraph (A); and

(C) may charge a fee for such certification and use.

(2) Limitation on fee amount

Any fee under paragraph (1)(C) shall not exceed the costs of conducting the quality assurance testing, evaluation, or studies necessary to determine whether the hydrographic product satisfies the standards adopted under section 892a(a)(3) of this title, including the cost of administering such a program.

(c) Limitation on liability

The Government of the United States shall not be liable for any negligence by a person that produces hydrographic products certified under this section.

¹ So in original. The word “and” probably should not appear.

² See References in Text note below.