

Pub. L. 110-161, div. B, title I, §112, Dec. 26, 2007, 121 Stat. 1894.

#### AMENDMENTS

2013—Subsec. (f). Pub. L. 113-6 substituted “subsection (e)(2)” for “paragraph (2)” and “subsection (e)” for “this subsection”.

#### Statutory Notes and Related Subsidiaries

##### REQUIREMENTS ADOPTED BY REFERENCE

Pub. L. 116-260, div. B, title I, §104, Dec. 27, 2020, 134 Stat. 1243, provided in part that: “The requirements set forth by section 105 of the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2012 (Public Law 112-55) [33 U.S.C. 878a], as amended by section 105 of title I of division B of Public Law 113-6, are hereby adopted by reference and made applicable with respect to fiscal year 2021”.

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 116-93, div. B, title I, §104, Dec. 20, 2019, 133 Stat. 2394.

Pub. L. 116-6, div. C, title I, §104, Feb. 15, 2019, 133 Stat. 100.

Pub. L. 115-141, div. B, title I, §104, Mar. 23, 2018, 132 Stat. 408.

Pub. L. 115-31, div. B, title I, §104, May 5, 2017, 131 Stat. 191.

Pub. L. 114-113, div. B, title I, §104, Dec. 18, 2015, 129 Stat. 2294.

Pub. L. 113-235, div. B, title I, §104, Dec. 16, 2014, 128 Stat. 2181.

Pub. L. 113-76, div. B, title I, §104, Jan. 17, 2014, 128 Stat. 51.

Pub. L. 113-6, div. B, title I, §105(b), Mar. 26, 2013, 127 Stat. 242.

#### § 878b. Safety and health regulations for scientific and occupational diving

On and after March 11, 2009, the Secretary of Commerce is permitted to prescribe and enforce standards or regulations affecting safety and health in the context of scientific and occupational diving within the National Oceanic and Atmospheric Administration.

(Pub. L. 111-8, div. B, title I, §106, Mar. 11, 2009, 123 Stat. 568.)

#### Editorial Notes

##### CODIFICATION

Section was enacted as part of the Department of Commerce Appropriations Act, 2009, which is title I of the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2009, which is div. B of the Omnibus Appropriations Act, 2009.

##### SIMILAR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation act:

Pub. L. 110-161, div. B, title I, §110, Dec. 26, 2007, 121 Stat. 1893.

#### SUBCHAPTER II—SURVEYS

#### §§ 881 to 883. Repealed. Aug. 6, 1947, ch. 504, § 10(2)–(5), 61 Stat. 788

Section 881, R.S. §4681, related to authority of the President to order surveys of coasts of the United States. See section 883a of this title.

Section 882, R.S. §4682, related to additional authority to order surveys beyond twenty-league limit. See section 883a of this title.

Section 883, R.S. §§4683, 4684, related to mode of conducting surveys generally. See sections 883a and 883b of this title.

#### § 883a. Surveys and other activities

To provide charts and related information for the safe navigation of marine and air commerce, and to provide basic data for engineering and scientific purposes and for other commercial and industrial needs, the Secretary of Commerce, is authorized to conduct the following activities:

- (1) Hydrographic and topographic surveys;
- (2) Tide and current observations;
- (3) Geodetic-control surveys;
- (4) Field surveys for aeronautical charts;
- (5) Geomagnetic, seismological, gravity, and related geophysical measurements and investigations, and observations for the determination of variation in latitude and longitude.

(Aug. 6, 1947, ch. 504, §1, 61 Stat. 787; Pub. L. 86-409, Apr. 5, 1960, 74 Stat. 16; 1965 Reorg. Plan No. 2, eff. July 13, 1965, 30 F.R. 8819, 79 Stat. 1318.)

#### Editorial Notes

##### AMENDMENTS

1960—Pub. L. 86-409 struck out provisions which restricted the Coast and Geodetic Survey in the conduct of its specified activities to the United States, its Territories and possessions, and which restricted hydrographic and topographic surveys to surveys of coastal water and land areas (including offlying islands, banks, shoals, and other offshore areas), and to surveys of lakes, rivers, reservoirs, and other inland waters not otherwise provided for by statute.

#### Statutory Notes and Related Subsidiaries

##### GREAT LAKES ENVIRONMENTAL SENSITIVITY INDEX

Pub. L. 116-274, Dec. 31, 2020, 134 Stat. 3356, provided that:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Great Lakes Environmental Sensitivity Index Act of 2020’.

“SEC. 2. UPDATE TO ENVIRONMENTAL SENSITIVITY INDEX PRODUCTS OF NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION FOR GREAT LAKES.

“(a) UPDATE REQUIRED FOR ENVIRONMENTAL SENSITIVITY INDEX PRODUCTS FOR GREAT LAKES.—Not later than 180 days after the date of the enactment of this Act [Dec. 31, 2020], the Under Secretary for Oceans and Atmosphere shall commence updating the environmental sensitivity index products of the National Oceanic and Atmospheric Administration for each coastal area of the Great Lakes.

“(b) PERIODIC UPDATES FOR ENVIRONMENTAL SENSITIVITY INDEX PRODUCTS GENERALLY.—Subject to the availability of appropriations and the priorities set forth in subsection (c), the Under Secretary shall—

“(1) periodically update the environmental sensitivity index products of the Administration; and

“(2) endeavor to do so not less frequently than once every 7 years.

“(c) PRIORITIES.—When prioritizing geographic areas to update environmental sensitivity index products, the Under Secretary shall consider—

“(1) the age of existing environmental sensitivity index products for the areas;

“(2) the occurrence of extreme events, be it natural or man-made, which have significantly altered the shoreline or ecosystem since the last update;

“(3) the natural variability of shoreline and coastal environment; and

“(4) the volume of vessel traffic and general vulnerability to spilled pollutants.

“(d) ENVIRONMENTAL SENSITIVITY INDEX PRODUCT DEFINED.—In this section, the term ‘environmental sensi-

tivity index product' means a map or similar tool that is utilized to identify sensitive shoreline, coastal or offshore, resources prior to an oil spill event in order to set baseline priorities for protection and plan cleanup strategies, typically including information relating to shoreline type, biological resources, and human use resources.

“(e) FUNDING.—Funds to carry out the activities under this section shall be derived from amounts authorized to be appropriated for the Under Secretary that are enacted after the date of the enactment of this Act.”

#### GREAT LAKES MAPPING

Pub. L. 100-220, title III, subtitle B, Dec. 29, 1987, 101 Stat. 1475, as amended by Pub. L. 100-629, §3, Nov. 7, 1988, 102 Stat. 3286, provided that:

#### “SEC. 3201. SHORT TITLE.

“This subtitle may be cited as the ‘Great Lakes Shoreline Mapping Act of 1987’.

#### “SEC. 3202. GREAT LAKES SHORELINE MAPPING PLAN.

“(a) PREPARATION OF PLAN.—Not later than nine months after the date of the enactment of this subtitle [Dec. 29, 1987], the Director, in consultation with the Director of the United States Geological Survey, shall submit to the Congress a plan for preparing maps of the shoreline of the Great Lakes under section 3203.

“(b) CONTENT OF PLAN.—A plan prepared under paragraph (1) shall include—

“(1) a work proposal and a division of responsibilities between the National Oceanic and Atmospheric Administration and the United States Geological Survey;

“(2) a time schedule for completion of maps;

“(3) recommendation of funding needed for preparing the maps; and

“(4) an area mapping schedule, with first priority given to shoreline areas subject to a high risk of erosion or flooding.

#### “SEC. 3203. PREPARATION OF GREAT LAKES SHORELINE MAPS.

“(a) IN GENERAL.—The [sic] following completion of a shoreline mapping plan under section 3202 and subject to authorization and appropriation of funds, the Director, in consultation with the Director of the United States Geological Survey, shall prepare maps of the shoreline areas of the Great Lakes.

“(b) CONTENT OF MAPS.—Maps prepared under this section—

“(1) shall include—

“(A) bathymetry of the nearshore area, to the extent that this area will affect coastal erosion and flooding;

“(B) topography of the adjacent shoreline, to the extent that this area will directly affect or be affected by coastal erosion and flooding;

“(C) the geological conditions of the nearshore area and shoreline to the extent that these areas will directly affect or be affected by coastal erosion and flooding;

“(D) information on the recent geological past of the nearshore area and shoreline areas described in paragraph (3); and

“(E) appropriate information for use in predicting and preventing damage caused by erosion and flooding in the Great Lakes;

“(2) shall be of appropriate scale and detail and take into account the greater informational needs of areas subject to a high risk of erosion or flooding; and

“(3) to the maximum extent practicable, shall be consistent with similar shoreline maps prepared by, or for the use of, the Government of Canada.

“(c) CONSULTATION.—In preparing maps under this section, the Director shall consult with, and take into consideration, the informational needs of—

“(1) the Army Corps of Engineers;

“(2) the Federal Emergency Management Agency;

“(3) other appropriate Federal agencies;

“(4) the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin;

“(5) appropriate local government units; and

“(6) the general public.

“(d) AVAILABILITY OF MAPS.—The Director shall make maps prepared under this section available to—

“(1) Federal agencies;

“(2) State governments;

“(3) local government units;

“(4) the Government of Canada; and

“(5) the general public.

“(e) RECOVERY OF COSTS.—The costs of reproducing and distributing maps prepared under this section may be recovered under section 9701 of title 31, United States Code, or another law.

#### “SEC. 3204. CONTRACT AUTHORITY.

“The Director may, subject to appropriations, enter into contracts and agreements on a reimbursable or cost-sharing basis with other Federal agencies, State governments, local governments, and private entities, to carry out this subtitle.

#### “SEC. 3205. DEFINITIONS.

“For purposes of this subtitle—

“(1) The term ‘Director’ means the Director of Charting and Geodetic Services of the National Ocean Service, within the National Oceanic and Atmospheric Administration.

“(2) The term ‘Great Lakes’ means Lake Erie, Lake Huron, Lake Michigan, Lake Ontario, Lake St. Clair, Lake Superior, the Saint Mary’s River, the Saint Clair River, the Detroit River, the Niagara River, the Saint Lawrence River to the Canadian border, to the extent such lakes and rivers are subject to the jurisdiction of the United States.

“(3) The term ‘high risk of erosion’ means subject to erosion at a rate greater than 1 foot per year.

#### “SEC. 3206. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out section 3202 not more than \$100,000 for fiscal year 1989. Amounts appropriated pursuant to this section shall remain available until expended.”

[For transfer of all functions, personnel, assets, components, authorities, grant programs, and liabilities of the Federal Emergency Management Agency, including the functions of the Under Secretary for Federal Emergency Management relating thereto, to the Federal Emergency Management Agency, see section 315(a)(1) of Title 6, Domestic Security.]

[For transfer of functions, personnel, assets, and liabilities of the Federal Emergency Management Agency, including the functions of the Director of the Federal Emergency Management Agency relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see former section 313(1) and sections 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.]

#### TRANSFER OF FUNCTIONS

Functions of Secretary and other officers of Department of Commerce under sections 883a to 883h of this title that relate to the Office of Aeronautical Charting and Cartography to provide aeronautical charts, products, and services for safe and efficient navigation of air commerce transferred to Administrator of Federal Aviation Administration effective Oct. 1, 2000, see section 44721(c)(1) of Title 49, Transportation.

#### Executive Documents

#### TRANSFER OF FUNCTIONS

Office of Director of Coast and Geodetic Survey abolished and Coast and Geodetic Survey consolidated with

Weather Bureau to form a new agency in Department of Commerce to be known as Environmental Science Services Administration, by Reorg. Plan No. 2 of 1965, eff. July 13, 1965, 30 F.R. 8819, 79 Stat. 1318, set out as a note under section 851 of this title. The Reorg. Plan also transferred to Secretary of Commerce all functions of Coast and Geodetic Survey and Director. For further details, see note set out under section 851 of this title.

#### § 883b. Dissemination of data; further activities

In order that full public benefit may be derived from the operations of the National Ocean Survey by the dissemination of data resulting from the activities herein authorized and of related data from other sources, the Secretary of Commerce is authorized to conduct the following activities:

- (1) Analysis and prediction of tide and current data;
- (2) Processing and publication of data, information, compilations, and reports;
- (3) Compilation and printing of nautical charts;
- (4) Distribution of nautical charts and related navigational publications.

(Aug. 6, 1947, ch. 504, § 2, 61 Stat. 787; 1965 Reorg. Plan No. 2, eff. July 13, 1965, 30 F.R. 8819, 79 Stat. 1318; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090; Pub. L. 106-181, title VI, § 605(a), Apr. 5, 2000, 114 Stat. 154.)

#### Editorial Notes

##### AMENDMENTS

2000—Par. (3). Pub. L. 106-181, § 605(a)(1), (2), redesignated par. (4) as (3), substituted “charts;” for “charts of the United States, its Territories, and possessions;” and struck out former par. (3) which read as follows: “Compilation and printing of aeronautical charts of the United States, its Territories, and possessions; and, in addition, the compilation and printing of such aeronautical charts covering international airways as are required primarily by United States Civil aviation;”

Par. (4). Pub. L. 106-181, § 605(a)(1), (3), redesignated par. (6) as (4) and substituted “publications” for “publications for the United States, its Territories, and possessions”. Former par. (4) redesignated (3).

Par. (5). Pub. L. 106-181, § 605(a)(1), struck out par. (5) which read as follows: “Distribution of aeronautical charts and related navigational publications required by United States civil aviation;”

Par. (6). Pub. L. 106-181, § 605(a)(1), redesignated par. (6) as (4).

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-181 applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106-181, set out as a note under section 106 of Title 49, Transportation.

#### Executive Documents

##### TRANSFER OF FUNCTIONS

Office of Director of Coast and Geodetic Survey abolished and Coast and Geodetic Survey consolidated with Weather Bureau to form a new agency in Department of Commerce to be known as Environmental Science Services Administration, by Reorg. Plan No. 2 of 1965, eff. July 13, 1965, 30 F.R. 8819, 79 Stat. 1318, set out as a note under section 851 of this title. The Reorg. Plan also transferred to Secretary of Commerce all functions of Coast and Geodetic Survey and Director. Sub-

sequently, Environmental Science Services Administration abolished and National Oceanic and Atmospheric Administration established by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, set out in the Appendix to Title 5, Government Organization and Employees. By Department Organization Order 25-5A, Secretary delegated to NOAA his functions under this chapter of the Code. By order of Acting Associate Administrator of NOAA, organizational name of Coast and Geodetic Survey changed to National Ocean Survey. For further details, see note set out under section 851 of this title.

#### § 883c. Geomagnetic data; collection, correlation, and dissemination

To provide for the orderly collection of geomagnetic data from domestic and foreign sources, and to assure that such data shall be readily available to Government and private agencies and individuals, the National Ocean Survey is designated as the central depository of the United States Government for geomagnetic data, and the Secretary of Commerce is authorized to collect, correlate, and disseminate such data.

(Aug. 6, 1947, ch. 504, § 3, 61 Stat. 787; 1965 Reorg. Plan No. 2, eff. July 13, 1965, 30 F.R. 8819, 79 Stat. 1318; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

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#### § 883d. Improvement of methods, instruments, and equipments; investigations and research

To improve the efficiency of the National Ocean Survey and to increase engineering and scientific knowledge, the Secretary of Commerce is authorized to conduct developmental work for the improvement of surveying and cartographic methods, instruments, and equipments; and to conduct investigations and research in geophysical sciences (including geodesy, oceanography, seismology, and geomagnetism).

(Aug. 6, 1947, ch. 504, § 4, 61 Stat. 788; 1965 Reorg. Plan No. 2, eff. July 13, 1965, 30 F.R. 8819, 79 Stat. 1318; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)