

(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; Pub. L. 117-263, div. J, title CIII, § 10308(b), Dec. 23, 2022, 136 Stat. 3980.)

Editorial Notes**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 of chapter 10 of former Title 40, Public Buildings, Property, and Works, was repealed and reenacted by Pub.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

2022—Subsec. (b). Pub. L. 117-263, § 10308(b)(1), inserted “precision navigation,” after “promote” in introductory provisions.

Subsec. (b)(2). Pub. L. 117-263, § 10308(b)(2), inserted “and hydrodynamic forecast models” after “monitoring systems” and “and provide foundational information and services required to support coastal resilience planning for coastal transportation and other infrastructure, coastal protection and restoration projects, and related activities” after “efficiency” and struck out “and” after semicolon at end.

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

Statutory Notes and Related Subsidiaries**CHARTING AND SURVEY SERVICES**

Pub. L. 116-259, title V, § 501, Dec. 23, 2020, 134 Stat. 1178, provided that:

“(a) IN GENERAL.—Not later than 270 days after the development of the strategy required by section 1002(b) of the Frank LoBiondo Coast Guard Authorization Act of 2018 [Pub. L. 115-282] (33 U.S.C. 892a note), the Secretary of Commerce shall enter into not fewer than 2 multi-year contracts with 1 or more private entities for the performance of charting and survey services by vessels.

“(b) CHARTING AND SURVEYS IN THE ARCTIC.—In soliciting and engaging the services of vessels under subsection (a), the Secretary shall particularly emphasize the need for charting and surveys in the Arctic.”

SYSTEM FOR TRACKING AND REPORTING ALL-INCLUSIVE COST OF HYDROGRAPHIC SURVEYS

Pub. L. 115-282, title X, § 1002, Dec. 4, 2018, 132 Stat. 4365, provided that:

“(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act [Dec. 4, 2018], the Secretary of Commerce shall—

“(1) develop and implement a system to track and report the full cost to the Department of Commerce of hydrographic data collection, including costs relating to vessel acquisition, vessel repair, and administration of contracts to procure data;

“(2) evaluate measures for comparing cost per unit effort in addition to measures of cost per nautical square mile; and

“(3) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives a report on which additional measures for comparing cost per unit effort the Secretary intends to use and the rationale for such use.

“(b) DEVELOPMENT OF STRATEGY FOR INCREASED CONTRACTING WITH NONGOVERNMENTAL ENTITIES FOR HYDROGRAPHIC DATA COLLECTION.—Not later than 180 days after the date on which the Secretary completes the activities required by subsection (a), the Secretary shall develop a strategy for how the National Oceanic and Atmospheric Administration will increase contracting with nongovernmental entities for hydrographic data collection in a manner that is consistent with the requirements of the Ocean and Coastal Mapping Integration Act ([subtitle B of title XII of] Public Law 111-11; 33 U.S.C. 3501 et seq.).”

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 or service produced or disseminated 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.

(d) Hydrographic Services Account

(1) Establishment

There is established in the Treasury a separate account, which shall be known as the "Hydrographic Services Account".

(2) Content

The account shall consist of—

(A) amounts received by the United States as fees charged under subsection (b)(1)(C); and

(B) such other amounts as may be provided by law.

(3) Use

Amounts in the account shall be available to the Administrator, without further appropriation, for hydrographic services.

(e) Limitation on new fees and increases in existing fees for hydrographic services

After November 13, 1998, the Administrator may not—

(1) establish any fee or other charge for the provision of any hydrographic service except as authorized by this section; or

(2) increase the amount of any fee or other charge for the provision of any hydrographic service except as authorized by this section and section 1307 of title 44.

(Pub. L. 105-384, title III, § 304, Nov. 13, 1998, 112 Stat. 3455; Pub. L. 107-372, title I, § 104(a), Dec. 19, 2002, 116 Stat. 3080; Pub. L. 117-263, div. J, title CIII, § 10308(c), Dec. 23, 2022, 136 Stat. 3980.)

Editorial Notes

AMENDMENTS

2022—Subsec. (a). Pub. L. 117-263 substituted “product or service produced or disseminated” for “product produced”.

2002—Subsec. (b)(1). Pub. L. 107-372 reenacted heading without change and amended text generally. Prior to amendment, text read as follows: “The Administrator may—

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

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

§ 892c. Hydrographic Services Review Panel

(a) Establishment

No later than 1 year after December 19, 2002, the Secretary shall establish the Hydrographic Services Review Panel.

(b) Duties

(1) In general

The panel shall advise the Administrator on matters related to the responsibilities and authorities set forth in section 892a of this title and such other appropriate matters as the Administrator refers to the panel for review and advice.

(2) Administrative resources

The Administrator shall make available to the panel such information, personnel, and administrative services and assistance as it may reasonably require to carry out its duties.

(c) Membership

(1) In general

(A) The panel shall consist of 15 voting members who shall be appointed by the Administrator. The Co-directors of the Center for Coastal and Ocean Mapping/Joint Hydrographic Center and no more than 2 employees of the National Oceanic and Atmospheric Administration appointed by the Administrator shall serve as nonvoting members of the panel. The voting members of the panel shall be individuals who, by reason of knowledge, experience, or training, are especially qualified in 1 or more of the disciplines and fields relating to hydrographic data and hydrographic services, marine transportation, port administration, vessel pilotage, coastal and fishery management, and other disciplines as determined appropriate by the Administrator.

(B) An individual may not be appointed as a voting member of the panel if the individual is a full-time officer or employee of the United States.

(C) Any voting member of the panel who is an applicant for, or beneficiary (as determined by the Secretary) of, any assistance under this subchapter shall disclose to the panel that relationship, and may not vote on any matter pertaining to that assistance.

(2) Terms

(A) The term of office of a voting member of the panel shall be 4 years, except that of the original appointees, five shall be appointed for a term of 2 years, five shall be appointed for a term of 3 years, and five shall be appointed for a term of 4 years, as specified by the Administrator at the time of appointment.

(B) Any individual appointed to a partial or full term may be reappointed for one addi-