

Public Law 110–386
110th Congress

An Act

Oct. 10, 2008
[S. 1582]

To reauthorize and amend the Hydrographic Services Improvement Act, and for other purposes.

Hydrographic
Services
Improvement
Act Amendments
of 2008.
33 USC 851 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. SHORT TITLE.

This Act may be cited as the “Hydrographic Services Improvement Act Amendments of 2008”.

SEC. 2. DEFINITIONS.

Section 303 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892) is amended by striking paragraphs (3), (4), and (5) and inserting the following:

“(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.).”.

SEC. 3. FUNCTIONS OF THE ADMINISTRATOR.

Section 303 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892a) is amended—

(1) by striking “the Act of 1947,” in subsection (a) and inserting “the Coast and Geodetic Survey Act, promote safe, efficient and environmentally sound marine transportation, and otherwise fulfill the purposes of this Act,”;

(2) by striking “data;” in subsection (a)(1) and inserting “data and provide hydrographic services;” and

(3) by striking subsection (b) and inserting the following:
“(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 Act, 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; and

“(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 641 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 741));

“(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 Act; 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, United States Code.”.

SEC. 4. HYDROGRAPHIC SERVICES REVIEW PANEL.

Establishment.

Section 305(c)(1)(A) of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892c(c)(1)(A)) is amended to read as follows:
“(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 non-voting 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.”.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

Section 306 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892d) is amended to read as follows:

“SEC. 306. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to the Administrator the following:

“(1) To carry out nautical mapping and charting functions under sections 304 and 305, except for conducting hydrographic surveys—

“(A) \$55,000,000 for fiscal year 2009;

“(B) \$56,000,000 for fiscal year 2010;

“(C) \$57,000,000 for fiscal year 2011; and

“(D) \$58,000,000 for fiscal year 2012.

“(2) To contract for hydrographic surveys under section 304(b)(1), including the leasing or time chartering of vessels—

“(A) \$32,130,000 for fiscal year 2009;

“(B) \$32,760,000 for fiscal year 2010;

“(C) \$33,390,000 for fiscal year 2011; and

“(D) \$34,020,000 for fiscal year 2012.

“(3) To operate hydrographic survey vessels owned by the United States and operated by the Administration—

“(A) \$25,900,000 for fiscal year 2009;

“(B) \$26,400,000 for fiscal year 2010;

“(C) \$26,900,000 for fiscal year 2011; and

“(D) \$27,400,000 for fiscal year 2012.

“(4) To carry out geodetic functions under this title—

“(A) \$32,640,000 for fiscal year 2009;

“(B) \$33,280,000 for fiscal year 2010;

“(C) \$33,920,000 for fiscal year 2011; and

“(D) \$34,560,000 for fiscal year 2012.

“(5) To carry out tide and current measurement functions under this title—

“(A) \$27,000,000 for fiscal year 2009;

“(B) \$27,500,000 for fiscal year 2010;

“(C) \$28,000,000 for fiscal year 2011; and

“(D) \$28,500,000 for fiscal year 2012.

“(6) To acquire a replacement hydrographic survey vessel capable of staying at sea continuously for at least 30 days \$75,000,000.”.

SEC. 6. AUTHORIZED NOAA CORPS STRENGTH.

Section 215 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3005) is amended to read as follows:

“SEC. 215. NUMBER OF AUTHORIZED COMMISSIONED OFFICERS.

Effective date.

“Effective October 1, 2009, the total number of authorized commissioned officers on the lineal list of the commissioned corps of the National Oceanic and Atmospheric Administration shall be increased from 321 to 379 if—

“(1) the Secretary has submitted to the Congress—

“(A) the Administration’s ship recapitalization plan for fiscal years 2010 through 2024;

“(B) the Administration’s aircraft modernization plan; and

“(C) supporting workforce management plans;

“(2) appropriated funding is available; and

“(3) the Secretary has justified organizational needs for the commissioned corps for each such fiscal year.”

Approved October 10, 2008.

LEGISLATIVE HISTORY—S. 1582:

SENATE REPORTS: No. 110-218 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 154 (2008):

Sept. 26, considered and passed Senate.

Sept. 29, considered and passed House.