

105TH CONGRESS
2^D SESSION

H. R. 3164

AN ACT

To describe the hydrographic services functions of the Administrator of the National Oceanic and Atmospheric Administration, and for other purposes.

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To describe the hydrographic services functions of the Administrator of the National Oceanic and Atmospheric Administration, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Hydrographic Services
3 Improvement Act of 1998”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) ADMINISTRATOR.—The term “Adminis-
7 trator” means the Administrator of the National
8 Oceanic and Atmospheric Administration.

9 (2) ADMINISTRATION.—The term “Administra-
10 tion” means the National Oceanic and Atmospheric
11 Administration.

12 (3) HYDROGRAPHIC DATA.—The term “hydro-
13 graphic data” means information acquired through
14 hydrographic or bathymetric surveying, photo-
15 grammetry, geodetic measurements, tide and current
16 observations, or other methods, that is used in pro-
17 viding hydrographic services.

18 (4) HYDROGRAPHIC SERVICES.—The term “hy-
19 drographic services” means—

20 (A) the management, maintenance, inter-
21 pretation, certification, and dissemination of
22 bathymetric, hydrographic, geodetic, and tide
23 and current information, including the produc-
24 tion of nautical charts, nautical information
25 databases, and other products derived from hy-
26 drographic data;

1 (B) the development of nautical informa-
2 tion systems; and

3 (C) related activities.

4 (5) ACT OF 1947.—The term “Act of 1947”
5 means the Act entitled “An Act to define the func-
6 tions and duties of the Coast and Geodetic Survey,
7 and for other purposes”, approved August 6, 1947
8 (33 U.S.C. 883a et seq.).

9 **SEC. 3. FUNCTIONS OF THE ADMINISTRATOR.**

10 (a) RESPONSIBILITIES.—To fulfill the data gathering
11 and dissemination duties of the Administration under the
12 Act of 1947, the Administrator shall—

13 (1) acquire hydrographic data;

14 (2) promulgate standards for hydrographic data
15 used by the Administration in providing hydro-
16 graphic services;

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

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

22 (5) maintain a national database of hydro-
23 graphic data, in cooperation with other appropriate
24 Federal agencies;

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

3 (7) participate in the development of, and im-
4 plement for the United States in cooperation with
5 other appropriate Federal agencies, international
6 standards for hydrographic data and hydrographic
7 services; and

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

12 (b) AUTHORITIES.—To fulfill the data gathering and
13 dissemination duties of the Administration under the Act
14 of 1947, and subject to the availability of appropriations,
15 the Administrator—

16 (1) may procure, lease, evaluate, test, develop,
17 and operate vessels, equipment, and technologies
18 necessary to ensure safe navigation and maintain
19 operational expertise in hydrographic data acquisi-
20 tion and hydrographic services;

21 (2) may enter into contracts and other agree-
22 ments with qualified entities, consistent with sub-
23 section (a)(8), for the acquisition of hydrographic
24 data and the provision of hydrographic services;

1 (3) shall award contracts for the acquisition of
2 hydrographic data in accordance with title IX of the
3 Federal Property and Administrative Services Act of
4 1949 (40 U.S.C. 541 et seq.); and

5 (4) may, subject to section 5, design and install
6 where appropriate Physical Oceanographic Real-
7 Time Systems to enhance navigation safety and effi-
8 ciency.

9 **SEC. 4. QUALITY ASSURANCE PROGRAM.**

10 (a) DEFINITION.—For purposes of this section, the
11 term “hydrographic product” means any publicly or com-
12 mercially available product produced by a non-Federal en-
13 tity that includes or displays hydrographic data.

14 (b) PROGRAM.—

15 (1) IN GENERAL.—The Administrator may—

16 (A) develop and implement a quality assur-
17 ance program, under which the Administrator
18 may certify hydrographic products that satisfy
19 the standards promulgated by the Adminis-
20 trator under section 3(a)(3);

21 (B) authorize the use of the emblem or any
22 trademark of the Administration on a hydro-
23 graphic product certified under subparagraph
24 (A); and

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

3 (2) LIMITATION ON FEE AMOUNT.—Any fee
4 under paragraph (1)(C) shall not exceed the costs of
5 conducting the quality assurance testing, evaluation,
6 or studies necessary to determine whether the hydro-
7 graphic product satisfies the standards adopted
8 under section 3(a)(3), including the cost of admin-
9 istering such a program.

10 (c) LIMITATION ON LIABILITY.—The Government of
11 the United States shall not be liable for any negligence
12 by a person that produces hydrographic products certified
13 under this section.

14 (d) HYDROGRAPHIC SERVICES ACCOUNT.—

15 (1) ESTABLISHMENT.—There is established in
16 the Treasury a separate account, which shall be
17 known as the Hydrographic Services Account.

18 (2) CONTENT.—The account shall consist of—

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

21 (B) such other amounts as may be pro-
22 vided by law.

23 (3) LIMITATION; DEPOSIT.—Fees deposited in
24 this account during any fiscal year pursuant to this
25 section shall be deposited and credited as offsetting

1 collections to the National Oceanic and Atmospheric
2 Administration, Operations, Research, and Facilities
3 account. No amounts collected pursuant to this sec-
4 tion for any fiscal year may be spent except to the
5 extent provided in advance in appropriations Acts.

6 (e) LIMITATION ON NEW FEES AND INCREASES IN
7 EXISTING FEES FOR HYDROGRAPHIC SERVICES.—After
8 the date of the enactment of this Act, the Administrator
9 may not—

10 (1) establish any fee or other charge for the
11 provision of any hydrographic service except as au-
12 thorized by this section; or

13 (2) increase the amount of any fee or other
14 charge for the provision of any hydrographic service
15 except as authorized by this section and section
16 1307 of title 44, United States Code.

17 **SEC. 5. OPERATION AND MAINTENANCE OF PHYSICAL**
18 **OCEANOGRAPHIC REAL-TIME SYSTEMS.**

19 (a) NEW SYSTEMS.—After the date of enactment of
20 this Act, the Administrator may not design or install any
21 Physical Oceanographic Real-Time System, unless the
22 local sponsor of the system or another Federal agency has
23 agreed to assume the cost of operating and maintaining
24 the system within 90 days after the date the system be-
25 comes operational.

1 (b) EXISTING SYSTEMS.—After October 1, 1999, the
2 Administration shall cease to operate Physical Oceano-
3 graphic Real-Time Systems, other than any system for
4 which the local sponsor or another Federal agency has
5 agreed to assume the cost of operating and maintaining
6 the system by January 1, 1999.

7 **SEC. 6. REPORTS.**

8 (a) PHOTOGRAMMETRY AND REMOTE SENSING.—

9 (1) IN GENERAL.—Not later than 6 months
10 after the date of enactment of this Act, the Adminis-
11 trator shall report to the Congress on a plan to in-
12 crease, consistent with this Act, contracting with the
13 private sector for photogrammetric and remote sens-
14 ing services related to hydrographic data acquisition
15 or hydrographic services. In preparing the report,
16 the Administrator shall consult with private sector
17 entities knowledgeable in photogrammetry and re-
18 mote sensing.

19 (2) CONTENTS.—The report shall include the
20 following:

21 (A) An assessment of which of the photo-
22 grammetric and remote sensing services related
23 to hydrographic data acquisition or hydro-
24 graphic services performed by the National

1 Ocean Service can be performed adequately by
2 private-sector entities.

3 (B) An evaluation of the relative cost-effec-
4 tiveness of the Federal Government and pri-
5 vate-sector entities in performing those services.

6 (C) A plan for increasing the use of con-
7 tracts with private-sector entities in performing
8 those services, with the goal of obtaining per-
9 formance of 50 percent of those services
10 through contracts with private-sector entities by
11 fiscal year 2003.

12 (b) PORTS.—Not later than 6 months after the date
13 of enactment of this Act, the Administrator shall report
14 to the Congress on—

15 (1) the status of implementation of real-time
16 tide and current data systems in United States
17 ports;

18 (2) existing safety and efficiency needs in
19 United States ports that could be met by increased
20 use of those systems; and

21 (3) a plan for expanding those systems to meet
22 those needs, including an estimate of the cost of im-
23 plementing those systems in priority locations.

24 (c) MAINTAINING FEDERAL EXPERTISE IN HYDRO-
25 GRAPHIC SERVICES.—

1 (1) IN GENERAL.—Not later than 6 months
2 after the date of enactment of this Act, the Adminis-
3 trator shall report to the Congress on a plan to en-
4 sure that Federal competence and expertise in hy-
5 drographic surveying will be maintained after the de-
6 commissioning of the 3 existing National Oceanic
7 and Atmospheric Administration hydrographic sur-
8 vey vessels.

9 (2) CONTENTS.—The report shall include—

10 (A) an evaluation of the seagoing capacity,
11 personnel, and equipment necessary to maintain
12 Federal expertise in hydrographic services;

13 (B) an estimated schedule for decommis-
14 sioning the 3 existing survey vessels;

15 (C) a plan to maintain Federal expertise in
16 hydrographic services after the decommissioning
17 of these vessels; and

18 (D) an estimate of the cost of carrying out
19 this plan.

20 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

21 There is authorized to be appropriated to the Admin-
22 istrator the following:

23 (1) To carry out nautical mapping and charting
24 functions under the Act of 1947 and sections 3 and
25 4, except for conducting hydrographic surveys,

1 \$33,000,000 for fiscal year 1999, \$34,000,000 for
2 fiscal year 2000, \$35,000,000 for fiscal year 2001,
3 \$36,000,000 for fiscal year 2002, and \$37,000,000
4 for fiscal year 2003.

5 (2) To conduct hydrographic surveys under sec-
6 tion 3(a)(1), including leasing of ships, \$33,000,000
7 for fiscal year 1999, \$35,000,000 for fiscal year
8 2000, \$37,000,000 for fiscal year 2001,
9 \$39,000,000 for fiscal year 2002, and \$41,000,000
10 for fiscal year 2003. Of these amounts, no more
11 than \$14,000,000 is authorized for any one fiscal
12 year to operate hydrographic survey vessels owned
13 and operated by the Administration.

14 (3) To carry out geodetic functions under the
15 Act of 1947, \$20,000,000 for fiscal year 1999, and
16 \$22,000,000 for each of fiscal years 2000, 2001,
17 2002, and 2003.

18 (4) To carry out tide and current measurement
19 functions under the Act of 1947, \$22,500,000 for
20 each of fiscal years 1999 through 2003. Of these
21 amounts, \$2,500,000 is authorized for each fiscal
22 year to implement and operate a national quality
23 control system for real-time tide and current data,
24 and \$7,500,000 is authorized for each fiscal year to
25 design and install real-time tide and current data

1 measurement systems under section 3(b)(4) (subject
2 to section 5).

3 **SEC. 8. COMPLIANCE WITH BUY AMERICAN ACT.**

4 No funds authorized pursuant to this Act may be ex-
5 pended by an entity unless the entity agrees that in ex-
6 pending the assistance the entity will comply with sections
7 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-
8 10c, popularly known as the “Buy American Act”).

9 **SEC. 9. SENSE OF THE CONGRESS; REQUIREMENT REGARD-**
10 **ING NOTICE.**

11 (a) PURCHASE OF AMERICAN-MADE EQUIPMENT
12 AND PRODUCTS.—In the case of any equipment or prod-
13 ucts that may be authorized to be purchased with financial
14 assistance provided under this Act, it is the sense of the
15 Congress that entities receiving such assistance should, in
16 expending the assistance, purchase only American-made
17 equipment and products.

18 (b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In
19 providing financial assistance under this Act, the Sec-
20 retary of Commerce shall provide to each recipient of the
21 assistance a notice describing the statement made in sub-
22 section (a) by the Congress.

23 **SEC. 10. PROHIBITION OF CONTRACTS.**

24 If it is has been finally determined by a court or Fed-
25 eral agency that any person intentionally affixed a label

1 bearing a “Made in America” inscription, or any inscrip-
2 tion with the same meaning, to any product sold in or
3 shipped to the United States that is not made in the
4 United States, such person shall be ineligible to receive
5 any contract or subcontract made with funds provided
6 pursuant to this Act, pursuant to the debarment, suspen-
7 sion, and ineligibility procedures described in section
8 9.400 through 9.409 of title 48, Code of Federal Regula-
9 tions.

Passed the House of Representatives April 22, 1998.

Attest:

Clerk.