

49 USC 44721: Aeronautical charts and related products and services

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From Title 49-TRANSPORTATION

SUBTITLE VII-AVIATION PROGRAMS
PART A-AIR COMMERCE AND SAFETY
subpart iii-safety
CHAPTER 447-SAFETY REGULATION

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§44721. Aeronautical charts and related products and services**(a) PUBLICATION.-**

(1) IN GENERAL.-The Administrator of the Federal Aviation Administration may arrange for the publication of aeronautical maps and charts necessary for the safe and efficient movement of aircraft in air navigation, using the facilities and assistance of departments, agencies, and instrumentalities of the United States Government as far as practicable.

(2) NAVIGATION ROUTES.-In carrying out paragraph (1), the Administrator shall update and arrange for the publication of clearly defined routes for navigating through a complex terminal airspace area and to and from an airport located in such an area, if the Administrator decides that publication of the routes would promote safety in air navigation. The routes shall be developed in consultation with pilots and other users of affected airports and shall be for the optional use of pilots operating under visual flight rules.

(b) INDEMNIFICATION.-The Government shall make an agreement to indemnify any person that publishes a map or chart for use in aeronautics from any part of a claim arising out of the depiction by the person on the map or chart of a defective or deficient flight procedure or airway if the flight procedure or airway was-

- (1) prescribed by the Administrator;
- (2) depicted accurately on the map or chart; and
- (3) not obviously defective or deficient.

(c) AUTHORITY OF OFFICE OF AERONAUTICAL CHARTING AND CARTOGRAPHY.-Effective October 1, 2000, the Administrator is vested with and shall exercise the functions, powers, and duties of the Secretary of Commerce and other officers of the Department of Commerce that relate to the Office of Aeronautical Charting and Cartography to provide aeronautical charts and related products and services for the safe and efficient navigation of air commerce, under the following authorities:

- (1) Sections 1 through 9 of the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947,¹ (33 U.S.C. 883a-883h).
- (2) Section 6082 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (33 U.S.C. 883j).

(d) AUTHORITY.-In order that full public benefit may be derived from the dissemination of data resulting from activities under this section and of related data from other sources, the Administrator may-

- (1) develop, process, disseminate and publish digital and analog data, information, compilations, and reports;
- (2) compile, print, and disseminate aeronautical charts and related products and services of the United States and its territories and possessions;
- (3) compile, print, and disseminate aeronautical charts and related products and services covering international airspace as are required primarily by United States civil aviation; and
- (4) compile, print, and disseminate nonaeronautical navigational, transportation or public-safety-related products and services when in the best interests of the Government.

(e) CONTRACTS, COOPERATIVE AGREEMENTS, GRANTS, AND OTHER AGREEMENTS.-

(1) CONTRACTS.-The Administrator is authorized to contract with qualified organizations for the performance of any part of the authorized functions of the Office of Aeronautical Charting and Cartography when the Administrator deems such procedure to be in the public interest and will not compromise public safety.

(2) COOPERATIVE AGREEMENTS, GRANTS, AND OTHER AGREEMENTS.-The Administrator is authorized to enter into cooperative agreements, grants, reimbursable agreements, memoranda of understanding and other agreements,

with a State, subdivision of a State, Federal agency, public or private organization, or individual, to carry out the purposes of this section.

(f) SPECIAL SERVICES AND PRODUCTS.-

(1) IN GENERAL.-The Administrator is authorized, at the request of a State, subdivision of a State, Federal agency, public or private organization, or individual, to conduct special services, including making special studies, or developing special publications or products on matters relating to navigation, transportation, or public safety.

(2) FEES.-The Administrator shall assess a fee for any special service provided under paragraph (1). A fee shall be not more than the actual or estimated full cost of the service. A fee may be reduced or waived for research organizations, educational organizations, or non-profit organizations, when the Administrator determines that reduction or waiver of the fee is in the best interest of the Government by furthering public safety.

(g) SALE AND DISSEMINATION OF AERONAUTICAL PRODUCTS.-

(1) IN GENERAL.-Aeronautical products created or maintained under the authority of this section shall be sold at prices established annually by the Administrator consistent with the following:

(A) MAXIMUM PRICE.-Subject to subparagraph (B), the price of an aeronautical product sold to the public shall be not more than necessary to recover all costs attributable to: (i) data base management and processing; (ii) compilation; (iii) printing or other types of reproduction; and (iv) dissemination of the product.

(B) ADJUSTMENT OF PRICE.-The Administrator shall adjust the price of an aeronautical product and service sold to the public as necessary to avoid any adverse impact on aviation safety attributable to the price specified under this paragraph.

(C) COSTS ATTRIBUTABLE TO ACQUISITION OF AERONAUTICAL DATA.-A price established under this paragraph may not include costs attributable to the acquisition of aeronautical data.

(D) CONTINUATION OF PRICES.-The price of any product created under subsection (d) may correspond to the price of a comparable product produced by a department of the United States Government as that price was in effect on September 30, 2000, and may remain in effect until modified by regulation under section 9701 of title 31, United States Code.

(2) PUBLICATION OF PRICES.-The Administrator shall publish annually the prices at which aeronautical products are sold to the public.

(3) DISTRIBUTION.-The Administrator may distribute aeronautical products and provide aeronautical services-

(A) without charge to each foreign government or international organization with which the Administrator or a Federal department or agency has an agreement for exchange of these products or services without cost;

(B) at prices the Administrator establishes, to the departments and officers of the United States requiring them for official use; and

(C) at reduced or no charge where, in the judgment of the Administrator, furnishing the aeronautical product or service to a recipient is a reasonable exchange for voluntary contribution of information by the recipient to the activities under this section.

(4) FEES.-The fees provided for in this subsection are for the purpose of reimbursing the Government for the costs of creating, printing and disseminating aeronautical products and services under this section. The collection of fees authorized by this section does not alter or expand any duty or liability of the Government under existing law for the performance of functions for which fees are collected, nor does the collection of fees constitute an express or implied undertaking by the Government to perform any activity in a certain manner.

(5) CREDITING AMOUNTS RECEIVED.-Notwithstanding any other provision of law, amounts received for the sale of products created and services performed under this section shall be fully credited to the account of the Federal Aviation Administration that funded the provision of the products or services and shall remain available until expended.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1202 ; Pub. L. 106-181, title VI, §603(a), Apr. 5, 2000, 114 Stat. 150 ; Pub. L. 106-424, §17(a), Nov. 1, 2000, 114 Stat. 1888 .)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44721(a)(1)	49 App.:1348(b) (1st sentence cl. (3)). 49 App.:1655(c)(1).	Aug. 23, 1958, Pub. L. 85-726, §307(b) (1st sentence cl. (3)), 72 Stat. 750 . Oct. 15, 1966, Pub. L. 89-670, §6(c)(1), 80 Stat. 938 ; Jan. 12, 1983, Pub. L. 97-449, §7(b), 96 Stat. 2444 .
44721(a)(2)	49 App.:1348(b) (3d, last sentences).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 749 , §307(b) (3d, last sentences); added Oct. 31, 1992, Pub. L. 102-581, §125, 106 Stat. 4885 .

44721(b)

49 App.:1519.

Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731 ,
 §1118; added Dec. 19, 1985, Pub. L. 99-190, §328(a), 99 Stat. 1289 .

In subsection (a)(1), the word "Administrator" in section 307(b) of the Federal Aviation Act of 1958 (Public Law 85-726, 72 Stat. 750) is retained on authority of 49:106(g). The words "within the limits of available appropriations made by the Congress" are omitted as surplus. The words "departments, agencies, and instrumentalities of the United States Government" are substituted for "existing agencies of the Government" for consistency in the revised title and with other titles of the United States Code.

In subsection (b), before clause (1), the words "Notwithstanding the provisions of section 1341 of title 31 or any other provision of law" are omitted as surplus.

EDITORIAL NOTES

REFERENCES IN TEXT

Sections 1 through 9 of 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, referred to in subsec. (c)(1), are classified to sections 883a to 883i of Title 33, Navigation and Navigable Waters. Section 883g of Title 33 was repealed by Pub. L. 88-611, §4(a)(2), Oct. 2, 1964, 78 Stat. 991 .

AMENDMENTS

2000-Pub. L. 106-181 amended section catchline and text generally. Prior to amendment, text read as follows:

"(a) PUBLICATION.-"(1) The Administrator of the Federal Aviation Administration may arrange for the publication of aeronautical maps and charts necessary for the safe and efficient movement of aircraft in air navigation, using the facilities and assistance of departments, agencies, and instrumentalities of the United States Government as far as practicable.

"(2) In carrying out paragraph (1) of this subsection, the Administrator shall update and arrange for the publication of clearly defined routes for navigating through a complex terminal airspace area and to and from an airport located in such an area, if the Administrator decides that publication of the routes would promote safety in air navigation. The routes shall be developed in consultation with pilots and other users of affected airports and shall be for the optional use of pilots operating under visual flight rules.

"(b) INDEMNIFICATION.-The Government shall make an agreement to indemnify any person that publishes a map or chart for use in aeronautics from any part of a claim arising out of the depiction by the person on the map or chart of a defective or deficient flight procedure or airway if the flight procedure or airway was-

- "(1) prescribed by the Administrator;
- "(2) depicted accurately on the map or chart; and
- "(3) not obviously defective or deficient."

Subsec. (c)(3), (4). Pub. L. 106-424, §17(a)(1), struck out pars. (3) and (4) which read as follows:

"(3) Section 1307 of title 44, United States Code.

"(4) The provision of title II of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1995 under the heading 'National Oceanic and Atmospheric Administration' relating to aeronautical charts (44 U.S.C. 1307 note)."

Subsec. (g)(1)(D). Pub. L. 106-424, §17(a)(2), added subparagraph. (D).

Subsec. (g)(5). Pub. L. 106-424, §17(a)(3), added paragraph. (5).

STATUTORY NOTES AND RELATED SUBSIDIARIES

EFFECTIVE DATE OF 2000 AMENDMENTS

Pub. L. 106-424, §17(b), Nov. 1, 2000, 114 Stat. 1889 , provided that: "The amendments made by subsection (a) [amending this section] take effect on October 1, 2000."

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 this title.

SAVINGS PROVISION

Pub. L. 106-181, title VI, §604, Apr. 5, 2000, 114 Stat. 152 , provided that:

"(a) CONTINUED EFFECTIVENESS OF DIRECTIVES.-All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, privileges, and financial assistance that-

"(1) have been issued, made, granted, or allowed to become effective by the President of the United States, the Secretary of Commerce, the Administrator of the National Oceanic and Atmospheric Administration, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred by this title [amending this section, sections 883b and 883e of Title 33, Navigation and Navigable Waters, and section 1307 of Title 44, Public Printing and Documents, and enacting provisions set out as notes under this section]; and

"(2) are in effect on the date of transfer, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President of the United States, the Administrator of the Federal Aviation Administration, a court of competent jurisdiction, or by operation of law.

"(b) CONTINUED EFFECTIVENESS OF PENDING ACTIONS.-

"(1) IN GENERAL.-The provisions of this title shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending on the date of transfer before the Department of Commerce or the National Oceanic and Atmospheric Administration, or any officer of such Department or Administration, with respect to functions transferred by this title, but such proceedings or applications, to the extent that they relate to functions transferred, shall be continued in accord with transition guidelines promulgated by the Administrator of the Federal Aviation Administration under the authority of this section. Orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by the Administrator of the Federal Aviation Administration, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection prohibits the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this title had not been enacted.

"(2) TRANSITION GUIDELINES.-The Secretary of Commerce, the Administrator of the National Oceanic and Atmospheric Administration, and the Administrator of the Federal Aviation Administration are authorized to issue transition guidelines providing for the orderly transfer of proceedings and otherwise to accomplish the orderly transfer of functions, personnel and property under this title.

"(c) CONTINUED EFFECTIVENESS OF JUDICIAL ACTIONS.-No cause of action by or against the Department of Commerce or the National Oceanic and Atmospheric Administration with respect to functions transferred by this title, or by or against any officer thereof in the official's capacity, shall abate by reason of the enactment of this title. Causes of action and actions with respect to a function or office transferred by this title, or other proceedings may be asserted by or against the United States or an official of the Federal Aviation Administration, as may be appropriate, and, in an action pending when this title takes effect, the court may at any time, on its own motion or that of any party, enter an order that will give effect to the provisions of this subsection.

"(d) SUBSTITUTION OR ADDITION OF PARTIES TO JUDICIAL ACTIONS.-If, on the date of transfer, the Department of Commerce or the National Oceanic and Atmospheric Administration, or any officer of the Department or Administration in an official capacity, is a party to an action, and under this title any function relating to the action of the Department, Administration, or officer is transferred to the Federal Aviation Administration, then such action shall be continued with the Administrator of the Federal Aviation Administration substituted or added as a party.

"(e) CONTINUED JURISDICTION OVER ACTIONS TRANSFERRED.-Orders and actions of the Administrator of the Federal Aviation Administration in the exercise of functions transferred by this title shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the Department of Commerce or the National Oceanic and Atmospheric Administration, or any office or officer of such Department or Administration, in the exercise of such functions immediately preceding their transfer.

"(f) LIABILITIES AND OBLIGATIONS.-The Administrator of the Federal Aviation Administration shall assume all liabilities and obligations (tangible and incorporeal, present and executory) associated with the functions transferred under this title on the date of transfer, including leases, permits, licenses, contracts, agreements, claims, tariffs, accounts receivable, accounts payable, financial assistance, and litigation relating to such obligations, regardless whether judgment has been entered, damages awarded, or appeal taken."

TRANSFER OF FUNCTIONS

Pub. L. 106-181, **title VI, §601, Apr. 5, 2000**, 114 Stat. 149 , provided that: "Effective October 1, 2000, there are transferred to the Federal Aviation Administration and vested in the Administrator the functions, powers, and duties of the Secretary of Commerce and other officers of the Department of Commerce that relate to the Office of Aeronautical Charting and Cartography and are set forth in section 44721 of title 49, United States Code."

TRANSFER OF OFFICE, PERSONNEL, AND FUNDS

Pub. L. 106–181, [title VI, §602, Apr. 5, 2000](#), 114 Stat. 149 , provided that:

"(a) TRANSFER OF OFFICE.-Effective October 1, 2000, the Office of Aeronautical Charting and Cartography of the National Oceanic and Atmospheric Administration, Department of Commerce, is transferred to the Federal Aviation Administration.

"(b) OTHER TRANSFERS.-Effective October 1, 2000, the personnel employed in connection with, and the assets, liabilities, contracts, property, equipment, facilities, records, and unexpended balance of appropriations, and other funds employed, held, used, arising from, available to, or to be made available in connection with the function and offices, or portions of offices, transferred by this title [amending this section, sections 883b and 883e of Title 33, Navigation and Navigable Waters, and section 1307 of Title 44, Public Printing and Documents, and enacting provisions set out as notes under this section], including all Senior Executive Service positions, subject to section 1531 of title 31, United States Code, are transferred to the Administrator of the Federal Aviation Administration for appropriate allocation. Personnel employed in connection with functions transferred by this title transfer under any applicable law and regulation relating to transfer of functions. Unexpended funds transferred under this section shall be used only for the purposes for which the funds were originally authorized and appropriated, except that funds may be used for expenses associated with the transfer authorized by this title."

PROCUREMENT OF PRIVATE ENTERPRISE MAPPING, CHARTING, AND GEOGRAPHIC INFORMATION SYSTEMS

Pub. L. 106–181, [title VI, §607, Apr. 5, 2000](#), 114 Stat. 154 , provided that: "The Administrator [of the Federal Aviation Administration] shall consider procuring mapping, charting, and geographic information systems necessary to carry out the duties of the Administrator under title 49, United States Code, from private enterprises, if the Administrator determines that such procurement furthers the mission of the Federal Aviation Administration and is cost effective."

¹ *So in original. The comma probably should not appear.*