

Statutory Authorities for NOAA's Hydrographic Services

Reauthorizing the Hydrographic Services Improvement Act

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Monday, August 14, 2006



General Questions

- What role does the HSRP seek to play in the reauthorization process?
- What changes to the HSIA will advance NOAA's ability to deliver products and services?
- What changes will advance the quality, timeliness, efficiency, and relevance of these products and services?
- What changes might help integrate these programs into the bigger picture?
 - Marine Transportation System
 - Marine Ecosystem, Resource and Area Management
 - Global Earth Observing System and Integrated Ocean Observing System
 - Integrated Ocean and Coastal Mapping and the Nation's geospatial infrastructure
 - Science and Technology



Primary Legal Authorities for NOAA's Hydrographic Services

- The Coast and Geodetic Survey Act of 1947
- The Hydrographic Services Improvement Act of 1998 (as amended)
- The Chart Pricing Statute



Brief History

- First authorized by Congress in 1807
- Changes over time - Act of 1947
- Coast and Geodetic Survey merged with other programs when NOAA was created in 1970
- NOAA took on major new missions in the 1970s –Fisheries and Coastal Management (MSFCMA and CZMA); Marine Mammal and Endangered Species Protection (MMPA and ESA), Marine Area Management (NMSA)
- Renewed interest in modernizing Hydrographic Services in the mid-1990s
- Led to passage of the HSIA of 1998
- In 2002, HSIA reauthorized for five years - through FY 2007 (September 30, 2007)



Factors and Events Leading to Renewed Interest

- Expansion of maritime commerce
 - Geographically, overall tonnage & increased vessel size and draft size
- Technological advances
 - Surveying, charting, real time, GPS, computing
- EXXON VALDEZ, the Alaska delegation, House Resources Committee
- Growing backlog of surveying requirements
 - Erosion of NOAA hydrographic fleet and services
- Economic analysis on benefits of modernization

Passage of the Hydrographic Services Improvement Act of 1998

- Hearings were held in 1997
- Scope of survey backlog and potential benefits of modernized services were highlighted
- HSIA was drafted in Committee
- Intent was to augment and update, not supplant, existing authority
 - HSIA references the Act of 1947 under the “Authorities” section:
“To fulfill the data gathering and dissemination duties of the Administration under the Act of 1947 . . .”
- Bill was appended to a package of ocean bills at the end of the 105th Congress



HSIA of 1998: Primary Provisions

- Separately defines “hydrographic data” and “hydrographic services”
- Lists “responsibilities” - the “shall” provisions
- Lists “authorities” - the “may” provisions
 - except it requires use of the Brooks Act for contracting for acquisition of hydrographic data
- Authorizes establishment of a Quality Assurance Program
- Reporting requirements
- Authorization of Appropriations
- Authorized number of NOAA Corps officers



HSIA Amendments of 2002

- Replaced “PORTS” language with broader authority and changes the authority from “may” to “shall”
- Promoted use of HSIA products, services and data in support of marine conservation
- Made Quality Assurance Program mandatory
- Establishment of the HSRP
- Authorization of Appropriations through FY 2007
- Added additional authorization of appropriations in support of Homeland Security



Timeline for Reauthorization and Related Factors

- Goals:
 - Develop the best legislation possible based on broad input from HSRP and others
 - Have Administration bill cleared through OMB for introduction no later than June 2007
 - Reauthorize HSIA by conclusion of the 110th Congress
- Impacts due to lapse in authorization
 - Ex: Clean Water Act not reauthorized since mid-1990's, but remains law
 - Act of 1947 provides permanent authority "such sums as may be necessary"
 - "Unauthorized" programs are potentially subject to a Point of Order, but this rarely (if ever) has been invoked

Options for HSIA Reauthorization

- 1) Status quo:
 - Reauthorize HSIA with minor or no changes

- 2) Middle ground:
 - Make modest, non-controversial fixes

- 3) Think BIG:
 - Propose major revisions and additions to the HSIA

Status quo

Pro

- Streamlines clearance process
- Few obstacles in Congress
- Maintains current authorities

Con

- Does not broaden or strengthen the HSIA and related programs
- Missed opportunity to integrate programs into larger picture

Middle ground

Pro

- Allows for some revisions and improvements to authorities
- May create some obstacles to clearance

Con

- Could slow OMB clearance and Congressional action
- May not take full advantage of an opportunity to enhance the Act

Think BIG

Pro

- Would broaden and strengthen authorities
- Takes full advantage of opportunity to better integrate services into bigger picture

Con

- Longer timeline to complete draft bill
- Could slow OMB clearance and Congressional action
- Will require significant outreach to explain the revisions and gain support

Some Issues for Consideration

- Provide clearer authorization for shoreline mapping and the Center for Operational Oceanographic Products and Services
- Add language about a national shoreline survey backlog and the requirement for developing a national shoreline survey plan.
- Identify NOAA as the National authority for hydrography, tides/water levels, shoreline, and geodesy/spatial reference
- Authorize Navigation Response Teams (NRT) and codify their functions
- Revisit the Quality Assurance Program
- Amend or repeal 44 USC 1307 (sale of nautical products)
- Revise Hydrographic Services Review Panel
- Identify the Director, Office of Coast Survey, as the U.S. National Hydrographer and the official representative of the United States to the International Hydrographic Organization
- Merge Act of 1947 and HSIA into a single authority



Further Considerations

- Amend the functions of the Administrator
- Authorize the NOAA/UNH Joint Hydrographic Center
- Add volunteer language
- Increase authorization limits and decrease number of authorization level categories*
- Amend hydrographic data definition
- Include a findings and purposes section
- Add disaster/emergency response to the homeland security language in the authorization of appropriations
- Include relevant aspects of other pending legislation (ex. Federal ocean and coastal mapping bill)
- Add emergency response language to include authorizations for Office of Response and Restoration and other aspects of NOAA's Commerce and Transportation Goal
- Include pertinent references to MTS
- Role of private sector



ISSUE 1: Should the authorities be merged?

Pro

- Clearer, integrated authority
- Puts the full range of issues before Congress
- Opportunity to update the 1947 Act
 - Ex: Remove references to aeronautical charting

Con

- Puts long-standing, underlying authority in play/at risk
- Possible loss of permanent authorization
- Agreement authority is important NOAA-wide

ISSUE 2: Should the HSI A codify all aspects of Hydrographic Services?

Pro

- Clearer, integrated authority that shows linkages between the programs
- Identifies NOAA as national authority for coordinates, positioning, national shoreline data, and tidal datums

Con

- May not be needed, the programs are functioning without it
- Interagency concerns

ISSUE 3: Should the HSI A include a “findings and purposes” section?

Pro

- A way to show importance of Navigation Services programs
- Broadens scope of the act

Con

- Broader scope could make passage more difficult
- May be disagreement on what should be included

Conclusion

- We have time, no rush
- There is an opportunity to strengthen the HSIA
- We look to the HSRP for advice and support
 - What role does the Panel seek to play?
 - Creation of a subcommittee?
 - Are there specific issues the Panel wants put forward?
 - What other organizations should be consulted?