Statutory Authorities for NOAA’s Hydrographic Services

Reauthorizing the Hydrographic Services Improvement Act

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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

- 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 HSIA 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 HSIA 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?