

## SECTION-BY-SECTION ANALYSIS

### *Section 1. Short Title*

This section cites the short title of the bill as the “Hydrographic Services Improvement Act Amendments of 2007.”

### *Section 2. Redesignations*

This section renumbers the existing sections of the Hydrographic Services Improvement Act of 1998 as amended (HSIA), in order to insert a new section on Findings and Purposes. All references in this analysis and the draft legislation are to the sections as renumbered.

### *Section 3. Findings and Purposes*

The HSIA currently lacks a Findings and Purposes section. Although these provisions do not provide substantive authority, they are fundamental to clarify the importance, roles, functions, and applications of the underlying statute in support of safe, efficient, and environmentally sound navigation and maritime commerce and other purposes.

This section recognizes the responsibilities of the National Oceanic and Atmospheric Administration (NOAA) and the larger federal role in providing national expertise in hydrographic data and services and the role of the Director of the Office of Coast Survey in providing domestic and international leadership. This section also identifies the importance of research and development as it relates to the Nation’s economy and competitiveness, the role hydrographic services play in supporting homeland security and emergency response and the need to promote better coordination and integration of ocean and coastal mapping activities. Perhaps most importantly, the provisions provide a plain English explanation of the value and benefits of the authorized activities.

### *Section 4. Changes in Definitions*

This section amends section 303 of the Act to clarify the scope and meaning of “hydrographic data” and “hydrographic services.”

- In subsection (3), “or shoreline” is added and “photogrammetry” is deleted. The word “photogrammetry” is deleted because it is just one method of collecting shoreline information. “Shoreline” is added to clarify that NOAA conducts shoreline surveys without limiting the agency to the use of any one surveying technology.
- Further, in subsection (3) “water level” is added after “tide” because it is a distinct type of measurement NOAA collects. It is different from tide data and is especially important in the Great Lakes.
- In subsection (4)(A), “shoreline” and “water level” are added for the same reasons as in subsection (3) and to maintain consistency.

### *Section 5. Functions of the Administrator*

Section 304 of the HSIA sets forth the *responsibilities (304(a))* and *authorities (304(b))* of the Administrator in collecting and disseminating hydrographic data and providing hydrographic services. The language “promote safe, efficient, and environmentally sound

marine transportation,” is added to introductory sections of 304(a) and (b) to clarify the primary mission and objective of the underlying programs. Section 5(2) would specifically:

- Make a technical correction by renumbering subsection (c) of the HSIA as 304(b)(3). Subsection (c) was added by Congress in the 2002 amendments. NOAA determined that adding a subsection (c) was confusing because the provision would not clearly be either a responsibility under subsection (a) or an authority under subsection (b). NOAA determined it is an authority under subsection (b) and proposes amending the Act accordingly.
- Add a new subsection, (b)(4), clarifying the important role these programs play in emergency response and homeland security. NOAA hydrographic services played an important role in the emergency response efforts for hurricanes Katrina, Rita, and Wilma. NOAA also provides services to the U.S. Coast Guard in support of homeland security and maritime domain awareness. These programs have been called upon repeatedly before, during, and after recent disasters and have answered the call responsibly and admirably. The proposed section 304(b)(4) codifies NOAA’s support role and is intended to increase speed and efficiency when hydrographic services are needed for these purposes. Additionally, this subsection clarifies that these programs have a role in emergency response and a right to pursue emergency funds to cover associated costs.
- Provide authority to create, support and maintain joint centers, and to enter into contracts, leases, grants, and cooperative agreements. This authority will ensure NOAA meets its responsibility to deliver the information and tools (i.e. nautical charts and accurate water levels) necessary to support safe, efficient, and environmentally sound transportation.
- Amend the law to allow NOAA to use either the Brooks Act or the Federal Property and Administrative Services Act for acquiring hydrographic services. This discretion would allow NOAA to compare results achieved using the qualifications-based selection procedures of the Brooks Act to those achieved using a best-value process pursuant to the Property Act.

#### *Section 6. Changes to Quality Assurance Program*

This makes a technical, numbering correction.

#### *Section 7. Changes to the Hydrographic Services Review Panel*

Section 306 of the HSIA, as redesignated, established the Hydrographic Services Review Panel and set forth the duties, membership, structure, compensation, and functioning of that panel. This section amends section 306 to update the current status of the panel, address some technical errors, and augment panel compensation.

- Subsection (1) is a technical renumbering.
- Subsection (2) amends section 306(c)(1)(A) by striking Director and inserting Co-directors. The Joint Hydrographic Center is co-directed by NOAA and the

University of New Hampshire. This subsection further amends section 306(c)(1)(A) by replacing the existing list of areas in which an individual may be qualified to serve as a voting member of the panel to more broadly state that members may be qualified “in one or more of the disciplines and fields relating to hydrographic data and hydrographic services, as defined in this Act, and other disciplines as determined by the Administrator,” to allow for members with additional pertinent expertise to be selected for the panel should the need arise.

- Subsection (3) amends various subsections by deleting the word “Secretary” and replacing it with the word “Administrator.” Congressional staff has stated the use of the term “Secretary” was inadvertent and that “Administrator” was intended. These changes also avoid any confusion because the term “Secretary” is not defined in the Act.
- Subsection (4) amends section 306(d) by clarifying that members can recoup expenses such as travel and lodging to attend meetings.

#### *Section 8. Authorization of Appropriations*

This section amends section 307 by eliminating subsections 1 through 5. This change simplifies the authorization language by combining six separate authorizations into one general authorization. This section authorizes \$168,771,000 in fiscal year 2008 and thereafter “such sums as may be necessary” for each of fiscal years 2009 through 2012 for the purposes of carrying out the Act.