

Calendar No. 467

110TH CONGRESS }
1st Session }

SENATE

{ REPORT
110-218

HYDROGRAPHIC SERVICES IMPROVEMENT
ACT AMENDMENTS OF 2007

R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION

ON

S. 1582



NOVEMBER 2, 2007.—Ordered to be printed

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED TENTH CONGRESS

FIRST SESSION

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HYDROGRAPHIC SERVICES IMPROVEMENT ACT AMENDMENTS OF 2007

NOVEMBER 2, 2007.—Ordered to be printed

Mr. INOUE, from the Committee on Commerce, Science, and
Transportation, submitted the following

R E P O R T

[To accompany S. 1582]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 1582) to reauthorize and amend the Hydrographic Services Improvement Act, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill (as amended) do pass.

PURPOSE OF THE BILL

The purpose of S. 1582, the Hydrographic Services Improvement Act Amendments of 2007, is to reauthorize and amend the Hydrographic Services Improvement Act of 1998, and to authorize appropriations for fiscal years 2008 through 2012.

BACKGROUND AND NEEDS

The National Oceanic and Atmospheric Administration (NOAA) plays a central role in surveying and mapping the ocean floor. NOAA's hydrographic activities provide valuable services to the maritime industry and other agencies responsible for maritime transportation. In addition, NOAA's surveying capabilities play an important role in ensuring safe navigation in response to natural disasters and homeland security incidents. NOAA provided an essential contribution in the aftermath of Hurricanes Katrina and Rita by helping to clear waterways that serve as a lifeline to the region.

This year, NOAA is celebrating the 200th anniversary of the Survey of the Coast, established by Thomas Jefferson in 1807 to provide nautical charts to the maritime community for safe passage

into our Nation's ports. Currently NOAA's Office of Coast Survey holds more than 20,000 historical nautical charts and continually updates its collection of 1,000 current charts.

The Hydrographic Services Improvement Act (HSIA) was enacted in 1998 and amended in 2002. The HSIA tasks the NOAA Administrator with gathering and disseminating hydrographic data. The HSIA provides the NOAA Administrator with authorities to ensure safe and efficient navigation, and the protection of coastal and ocean resources, including authorities to: (1) promulgate standards for hydrographic data; (2) ensure comprehensive geographic coverage of hydrographic services; (3) maintain a national database of hydrographic data; (4) provide hydrographic services in uniform, easily accessible formats (e.g. nautical charts); (5) enter into and award contracts for the acquisition of hydrographic data and services; (6) procure, lease, evaluate, test, develop, and operate vessels, equipment, and technologies necessary to maintain operational expertise in hydrographic data acquisition and hydrographic services; and (7) use hydrographic data to support the conservation and management of coastal and ocean resources.

The Committee also notes that amendments were recently adopted to the International Hydrographic Organization (IHO) Convention to increase the IHO's effectiveness, efficiency, and responsiveness to the international maritime community. The Director of NOAA's Office of Coast Survey is the official Hydrographer of the United States and represents the United States at the IHO. Prompt adoption by the United States of these amendments would improve international cooperation in this area.

SUMMARY OF PROVISIONS

S. 1582 would reauthorize the HSIA for five years, and would: (1) add a findings and purposes section that describes the importance, roles, functions, and applications of the hydrographic services in support of safe, efficient, and environmentally sound navigation and maritime commerce and other purposes; (2) clarify NOAA's hydrographic services' role in both emergency response and homeland security; (3) make a number of changes to the Hydrographic Services Review Panel to update the current status of the panel, address some technical errors, and remove the requirement to compensate members of the panel, while providing that they can recoup expenses such as travel and lodging to attend meetings; (4) make a number of additional technical and definitional changes; and (5) authorize appropriations of such sums as may be necessary for each of the fiscal years 2008 through 2012, for the purposes of carrying out the Act.

LEGISLATIVE HISTORY

S. 1582 was introduced in the Senate by Senator Inouye on June 7, 2007, with Senators Stevens, Cantwell, and Snowe as original co-sponsors. The bill was referred to the Senate Committee on Commerce, Science, and Transportation. On July 19, 2007, the Committee considered a manager's amendment to this bill in an open executive session. The Committee, without objection, ordered S. 1582 be reported favorably, as amended.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

AUGUST 16, 2007.

Hon. DANIEL K. INOUE,
Chairman, Committee on Commerce, Science, and Transportation,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1582, the Hydrographic Services Improvement Act Amendments of 2007.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

PETER R. ORSZAG.

Enclosure.

S. 1582—Hydrographic Services Improvement Act Amendments of 2007

Summary: S. 1582 would amend the Hydrographic Services Improvement Act of 1998. The bill also would authorize the appropriation of whatever amounts are necessary for fiscal years 2008 through 2012 for hydrographic activities carried out by the National Oceanic and Atmospheric Administration (NOAA).

Assuming appropriation of the necessary amounts, CBO estimates that the hydrographic services authorized by the bill would cost \$110 million in 2008 and \$798 million over the 2008–2012 period. (An additional \$96 million would be spent after 2012.) Enacting S. 1582 would not affect direct spending or revenues.

This legislation contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of State, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 1582 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—					
	2007	2008	2009	2010	2011	2012
SPENDING SUBJECT TO APPROPRIATION						
NOAA Spending for Hydrographic Services Under Current Law:						
Budget Authority ^a	163	0	0	0	0	0
Estimated Outlays	160	36	16	5	0	0
Proposed Changes:						
Estimated Authorization Level	0	169	173	179	184	189
Estimated Outlays	0	110	150	171	181	186
Spending Under S. 1582:						
Estimated Authorization Level ^a	163	169	173	179	184	189
Estimated Outlays	160	146	166	176	181	186

^a The 2007 level is the amount appropriated for hydrographic services for that year.

Basis of estimate: For this estimate, CBO assumes that S. 1582 will be enacted near the beginning of fiscal year 2008, that the nec-

essary amounts will be appropriated for each year, and that spending will follow historical patterns for this program.

S. 1582 would authorize funding for hydrographic services performed by NOAA over the 2008–2012 period. Such services include nautical mapping and charting, collecting hydrographic data, maintaining a geodetic reference system, and measuring tides and currents. Assuming appropriation of the amounts needed to continue carrying out those activities at their current funding levels, CBO estimates that NOAA would spend an additional \$110 million in 2008 and \$798 million over the 2008–2012 period. For this estimate, we assume that annual funding over the five-year period would continue at a level equal to the amount appropriated in 2007 (\$163 million), with annual adjustments for anticipated inflation. We estimate that other provisions of the bill, which would amend the Hydrographic Services Improvement Act of 1998, would have no significant impact on the federal budget.

Intergovernmental and private-sector impact: S. 1582 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

Estimate prepared by: Federal Costs: Deborah Reis; Impact on State, Local, and Tribal Governments: Leo Lex; Impact on the Private Sector: Justin Hall and Patrice Gordon.

Estimate approved by: Peter H. Fontaine, Assistant Director for Budget Analysis.

REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported:

NUMBER OF PERSONS COVERED

S. 1582 as reported by the Committee would authorize appropriations to continue and expand existing NOAA programs. The bill does not authorize any new regulations and therefore will not subject any individuals or businesses to new regulations.

ECONOMIC IMPACT

The bill, as reported, would authorize appropriations of such sums as may be necessary for fiscal years 2008 through 2012 to carry out the purposes of the bill. This funding level would not be expected to have a significant impact on the Nation's economy.

PRIVACY

The reported bill would have little, if any, impact on the personal privacy of United States citizens.

PAPERWORK

The reported bill would not increase paperwork requirements for the private sector.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This section would cite this bill as the “Hydrographic Services Improvement Act Amendments of 2007.”

Section 2. Findings and purposes

This section would renumber the existing sections of the Hydrographic Services Improvement Act of 1998, as amended, in order to insert a new section on Findings and Purposes. This new section would describe the importance, roles, functions, and applications of hydrographic services and the HSIA in support of safe, efficient, and environmentally sound navigation and maritime commerce and other purposes.

Section 3. Definitions

This section would amend section 303 of the Act to clarify the scope and meaning of “hydrographic data” and “hydrographic services” by clarifying that in conducting shoreline surveys, NOAA is not limited to the use of any one surveying technology and by adding “water level” to both definitions because it is a distinct type of measurement NOAA collects and is especially important in the Great Lakes.

Section 4. Functions of the administrator

This section would set forth the responsibilities and authorities of the NOAA Administrator in collecting and disseminating hydrographic data and providing hydrographic services. The language “promote safe, efficient, and environmentally sound marine transportation,” would be added to the introductory sections of 304(a) and (b) to clarify the primary mission and objective of the underlying programs. This section would also clarify the important role that hydrographic services play in emergency response and homeland security and would provide the authority to create, support, and maintain joint centers to help implement this Act.

Section 5. Quality assurance program

This section would make a technical, numbering correction.

Section 6. Hydrographic Services Review Panel

This section would amend section 306, as redesignated, to update the current status of the Hydrographic Services Review Panel, address some technical errors, and remove the requirement to compensate members of the panel while providing that they can recoup expenses such as travel and lodging to attend meetings. This subsection also would make a technical correction to the name of the Center for Coastal and Ocean Mapping/Joint Hydrographic Center.

Section 7. Authorized commission officers

This section would amend section 215 of the NOAA Commissioned Officer Corps Act of 2002 (33 U.S.C. 3005) to increase the cap on commissioned officers to 428 officers and authorize the Secretary of Commerce to establish the strength for the NOAA Corps for each fiscal year, subject to organizational needs and available funding.

Section 8. Authorization of appropriations

This section would authorize such sums as may be necessary for each of fiscal years 2008 through 2012 for the purposes of carrying out the Act.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new material is printed in italic, existing law in which no change is proposed is shown in roman):

HYDROGRAPHIC SERVICES IMPROVEMENT ACT OF 1998

SEC. 302. FINDINGS AND PURPOSES.

(a) *FINDINGS.*—*The Congress finds the following:*

(1) *In 2007, the Nation celebrates the 200th anniversary of its oldest scientific agency, the Survey of the Coast, which was authorized by Congress and created by President Thomas Jefferson in 1807 to conduct surveys of the coast and provide nautical charts for safe passage through the Nation's ports and along its extensive coastline.*

(2) *These mission requirements and capabilities, which today are located in the National Oceanic and Atmospheric Administration, evolved over time to include—*

(A) *research, development, operations, products, and services associated with hydrographic, geodetic, shoreline, and baseline surveying;*

(B) *cartography, mapping, and charting;*

(C) *tides, currents, and water level observations;*

(D) *maintenance of a national spatial reference system;*

and

(E) *associated products and services.*

(3) *There is a need to maintain Federal expertise and capability in hydrographic data and services to support a safe and efficient marine transportation system for the enhancement and promotion of international trade and interstate commerce vital to the Nation's economic prosperity and for myriad other commercial and recreational activities.*

(4) *The Nation's marine transportation system is becoming increasingly congested, the volume of international maritime commerce is expected to double within the next 20 years, and nearly half of the cargo transiting United States waters is oil, refined petroleum products, or other hazardous substances.*

(5) *In addition to commerce, hydrographic data and services support other national needs for the Great Lakes and coastal waters, the territorial sea, the Exclusive Economic Zone, and the continental shelf of the United States, including—*

(A) *emergency response;*

(B) *homeland security;*

(C) *marine resource conservation;*

- (D) coastal resiliency to sea-level rise, coastal inundation, and other hazards;
 - (E) ocean and coastal science advancement; and
 - (F) improved and integrated ocean and coastal mapping and observations for an integrated ocean observing system.
- (6) *The National Oceanic and Atmospheric Administration, in cooperation with other agencies and the States, serves as the Nation's leading civil authority for establishing and maintaining national standards and datums for hydrographic data and services.*
- (7) *The Director of the National Oceanic and Atmospheric Administration's Office of Coast Survey serves as the National Hydrographer and the primary United States representative to the international hydrographic community, including the International Hydrographic Organization.*
- (8) *The hydrographic expertise, data, and services of the National Oceanic and Atmospheric Administration provide the underlying and authoritative basis for baseline and boundary demarcation, including the establishment of marine and coastal territorial limits and jurisdiction, such as the Exclusive Economic Zone.*
- (9) *Research, development and application of new technologies will further increase efficiency, promote the Nation's competitiveness, provide social and economic benefits, enhance safety and environmental protection, and reduce risks.*
- (b) *PURPOSES.—The purposes of this Act are—*
- (1) *to augment the ability of the National Oceanic and Atmospheric Administration to fulfill its responsibilities under this and other authorities;*
 - (2) *to provide more accurate and up-to-date hydrographic data and services in support of safe and efficient international trade and interstate commerce, including—*
 - (A) *hydrographic surveys;*
 - (B) *electronic navigational charts;*
 - (C) *real-time tide, water level, and current information and forecasting;*
 - (D) *shoreline surveys; and*
 - (E) *geodesy and 3-dimensional positioning data;*
 - (3) *to support homeland security, emergency response, ecosystem approaches to marine management, and coastal resiliency by providing hydrographic data and services with many other useful operational, scientific, engineering, and management applications, including—*
 - (A) *storm surge, tsunami, coastal flooding, erosion, and pollution trajectory monitoring, predictions, and warnings;*
 - (B) *marine and coastal geographic information systems;*
 - (C) *habitat restoration;*
 - (D) *long-term sea-level trends; and*
 - (E) *more accurate environmental assessments and monitoring;*
 - (4) *to promote improved integrated ocean and coastal mapping and observations through increased coordination and cooperation;*

(5) to provide for and support research and development in hydrographic data, services and related technologies to enhance the efficiency, accuracy and availability of hydrographic data and services and thereby promote the Nation's scientific and technological competitiveness;

(6) to provide training in acquisition and application of hydrographic data; and

(7) to provide national and international leadership for hydrographic and related services, sciences, and technologies.

SEC. [302.] 303. DEFINITIONS.

[33 U.S.C. 892]

In this title:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the National Oceanic and Atmospheric Administration.

(2) ADMINISTRATION.—The term “Administration” means the National Oceanic and Atmospheric Administration.

[(3) HYDROGRAPHIC DATA.—The term “hydrographic data” means information acquired through hydrographic or bathymetric surveying, photogrammetry, geodetic, geospatial, or geomagnetic measurements, tide and current observations, or other methods, that is used in providing hydrographic services.]

(3) *HYDROGRAPHIC DATA.*—The term “hydrographic data” means information acquired through hydrographic, bathymetric, or shoreline surveying; geodetic, geospatial, or geomagnetic measurements; tide, water level, and current observations, or other methods, that is used in providing hydrographic services.

(4) HYDROGRAPHIC SERVICES.—The term “hydrographic services” means—

[(A) the management, maintenance, interpretation, certification, and dissemination of bathymetric, hydrographic, geodetic, geospatial, geomagnetic, and tide and current information, including the production of nautical charts, nautical information databases, and other products derived from hydrographic data;]

(A) *the management, maintenance, interpretation, certification, and dissemination of bathymetric, hydrographic, shoreline, geodetic, geospatial, geomagnetic, and tide, water level, and current information, including the production of nautical charts, nautical information databases, and other products derived from hydrographic data;*

(B) the development of nautical information systems; and

(C) related activities.

[(5) ACT OF 1947.—The term “Act of 1947” means 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 (33 U.S.C. 883a et seq.).]

(5) *COAST AND GEODETIC SURVEY ACT.*—The term “Coast and Geodetic Survey Act” means 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 (33 U.S.C. 883a et seq.).

SEC. [303.] 304. FUNCTIONS OF THE ADMINISTRATOR.

[33 U.S.C. 892a.]

(a) **RESPONSIBILITIES.**—To fulfill the data gathering and dissemination duties of the Administration under [the Act of 1947,] *the Coast and Geodetic Survey Act, promote safe, efficient, and environmentally sound marine transportation, and otherwise fulfill the purposes of this Act, the Administrator shall—*

(1) acquire and disseminate hydrographic [data;] *data and provide hydrographic services;*

(2) promulgate standards for hydrographic data used by the Administration in providing hydrographic services;

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

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

(5) maintain a national database of hydrographic data, in cooperation with other appropriate Federal agencies;

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

(7) participate in the development of, and implement for the United States in cooperation with other appropriate Federal agencies, international standards for hydrographic data and hydrographic services; and

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

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

[(1) may procure, lease, evaluate, test, develop, and operate vessels, equipment, and technologies necessary to ensure safe navigation and maintain operational expertise in hydrographic data acquisition and hydrographic services;

[(2) may enter into contracts and other agreements with qualified entities, consistent with subsection (a)(8), for the acquisition of hydrographic data and the provision of hydrographic services;

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

[(4) shall, subject to the availability of appropriations, design, install, maintain, and operate real-time hydrographic monitoring systems to enhance navigation safety and efficiency.]

(b) **AUTHORITIES.**—*To fulfill the data gathering and dissemination duties of the Administration under the Coast and Geodetic Survey Act, promote safe, efficient, and environmentally sound marine transportation, and otherwise fulfill the purposes of this Act, subject to the availability of appropriations—*

(1) *the Administrator may procure, lease, evaluate, test, develop, and operate vessels, equipment, and technologies necessary to ensure safe navigation and maintain operational expertise in hydrographic data acquisition and hydrographic services;*

(2) *the Administrator shall design, install, maintain, and operate real-time hydrographic monitoring systems to enhance navigation safety and efficiency;*

(3) *where appropriate and to the extent that it does not detract from the promotion of safe and efficient navigation, the Administrator may acquire hydrographic data and provide hydrographic services to support the conservation and management of coastal and ocean resources;*

(4) *where appropriate, the Administrator may acquire hydrographic data and provide hydrographic services to save and protect life and property and support the resumption of commerce in response to emergencies, natural and man-made disasters, and homeland security and maritime domain awareness needs, including obtaining Mission Assignments as defined in section 641 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 741);*

(5) *the Administrator may create, support, and maintain such joint centers, and enter into and perform such contracts, leases, grants, or cooperative agreements as may be necessary to carry out the purposes of this Act; and*

(6) *notwithstanding paragraph (5), the Administrator shall award contracts for the acquisition of hydrographic data in accordance with title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 1101 et seq.).*

(c) CONSERVATION AND MANAGEMENT OF COASTAL AND OCEAN RESOURCES.—Where appropriate and to the extent that it does not detract from the promotion of safe and efficient navigation, the Secretary may use hydrographic data and services to support the conservation and management of coastal and ocean resources.

SEC. [304.] 305. QUALITY ASSURANCE PROGRAM.

[33 U.S.C. 892b]

(a) DEFINITION.—For purposes of this section, the term “hydrographic product” means any publicly or commercially available product produced by a non-Federal entity that includes or displays hydrographic data.

(b) PROGRAM.—(1) IN GENERAL.—The Administrator—

(A) by not later than 2 years after the date of enactment of the Hydrographic Services Improvement Act Amendments of 2002, shall, subject to the availability of appropriations, develop and implement a quality assurance program that is equally available to all applicants, under which the Administrator may certify hydrographic products that satisfy the standards promulgated by the Administrator under section [303(a)(3)] 304(a)(3) of this Act;

(B) may authorize the use of the emblem or any trademark of the Administration on a hydrographic product certified under subparagraph (A); and

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

(2) **LIMITATION ON FEE AMOUNT.**—Any fee under paragraph (1)(C) shall not exceed the costs of conducting the quality assurance testing, evaluation, or studies necessary to determine whether the hydrographic product satisfies the standards adopted under section **[303(a)(3),] 304(a)(3)**, including the cost of administering such a program.

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

(d) **HYDROGRAPHIC SERVICES ACCOUNT.**—(1) **ESTABLISHMENT.**—There is established in the Treasury a separate account, which shall be known as the “Hydrographic Services Account”.

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

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

(B) such other amounts as may be provided by law.

(3) **USE.**—Amounts in the account shall be available to the Administrator, without further appropriation, for hydrographic services.

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

(1) establish any fee or other charge for the provision of any hydrographic service except as authorized by this section; or

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

SEC. [305.] 306. HYDROGRAPHIC SERVICES REVIEW PANEL.

[33 U.S.C. 892c]

(a) **ESTABLISHMENT.**—No later than 1 year after the date of enactment of the Hydrographic Services Improvement Act Amendments of 2002, the Secretary shall establish the Hydrographic Services Review Panel.

(b) **DUTIES.**—(1) **IN GENERAL.**—The panel shall advise the Administrator on matters related to the responsibilities and authorities set forth in section **[303] 304** of this Act and such other appropriate matters as the Administrator refers to the panel for review and advice.

(2) **ADMINISTRATIVE RESOURCES.**—The Administrator shall make available to the panel such information, personnel, and administrative services and assistance as it may reasonably require to carry out its duties.

(c) **MEMBERSHIP.**—(1) **IN GENERAL.**—**[(A) The panel shall consist of 15 voting members who shall be appointed by the Administrator. The Director of the Joint Hydrographic Institute and no more than 2 employees of the National Oceanic and Atmospheric Administration appointed by the Administrator shall serve as nonvoting members of the panel. The voting members of the panel shall be individuals who, by reason of knowledge, experience, or training, are especially qualified in one or more of the disciplines and fields relating to hydrographic surveying, tide, current geodetic and geospatial measurement, marine transportation, port administration, vessel pilotage, and coastal and fishery management.] (A) The panel shall consist of 15 voting members who shall be appointed by the Admin-**

istrator. The Co-directors of the Center for Coastal and Ocean Mapping/Joint Hydrographic Center and no more than 2 employees of the National Oceanic and Atmospheric Administration appointed by the Administrator shall serve as nonvoting members of the panel. The voting members of the panel shall be individuals who, by reason of knowledge, experience, or training, are especially qualified in 1 or more of the disciplines and fields relating to hydrographic data and hydrographic services, marine transportation, port administration, vessel pilotage, coastal and fishery management, and other disciplines as determined appropriate by the Administrator.

(B) An individual may not be appointed as a voting member of the panel if the individual is a full-time officer or employee of the United States.

(C) Any voting member of the panel who is an applicant for, or beneficiary (as determined by the **【Secretary】 Administrator**) of, any assistance under this Act shall disclose to the panel that relationship, and may not vote on any matter pertaining to that assistance.

(2) TERMS.—(A) The term of office of a voting member of the panel shall be 4 years, except that of the original appointees, five shall be appointed for a term of 2 years, five shall be appointed for a term of 3 years, and five shall be appointed for a term of 4 years, as specified by the Administrator at the time of appointment.

(B) Any individual appointed to a partial or full term may be reappointed for one additional full term. A voting member may serve after the date of the expiration of the term of office for which appointed until his or her successor has taken office.

(3) NOMINATIONS.—At least once each year, the **【Secretary】 Administrator** shall publish a notice in the Federal Register soliciting nominations for membership on the panel.

(4) CHAIRMAN AND VICE CHAIRMAN.—(A) The panel shall select one voting member to serve as the Chairman and another voting member to serve as the Vice Chairman.

(B) The Vice Chairman shall act as Chairman in the absence or incapacity of the Chairman.

【(d) COMPENSATION.—Voting members of the panel shall—

【(1) receive compensation at a rate established by the Secretary, not to exceed the maximum daily rate payable under section 5376 of title 5, United States Code, when actually engaged in the performance of duties for such panel; and

【(2) be reimbursed for actual and reasonable expenses incurred in the performance of such duties.】

(d) COMPENSATION.—Voting members of the panel shall be reimbursed for actual and reasonable expenses, such as travel and per diem, incurred in the performance of such duties.

(e) MEETINGS.—The panel shall meet on a biannual basis and, at any other time, at the call of the Chairman or upon the request of a majority of the voting members or of the **【Secretary.】 Administrator**.

(f) POWERS.—The panel may exercise such powers as are reasonably necessary in order to carry out its duties under subsection (b).

[SEC. 306. AUTHORIZATION OF APPROPRIATIONS.

[33 U.S.C. 892d]

There are authorized to be appropriated to the Administrator the following:

[(1) To carry out nautical mapping and charting functions under sections 303 and 304 of this Act, except for conducting hydrographic surveys—

[(A) \$50,000,000 for fiscal year 2003;

[(B) \$55,000,000 for fiscal year 2004;

[(C) \$60,000,000 for fiscal year 2005;

[(D) \$65,000,000 for fiscal year 2006; and

[(E) \$70,000,000 for fiscal year 2007.

[(2) To contract for hydrographic surveys under section 303(b)(1), including the leasing or time chartering of vessels—

[(A) \$40,000,000 for fiscal year 2003;

[(B) \$42,500,000 for fiscal year 2004;

[(C) \$45,000,000 for fiscal year 2005;

[(D) \$47,500,000 for fiscal year 2006; and

[(E) \$50,000,000 for fiscal year 2007.

[(3) To operate hydrographic survey vessels owned by the United States and operated by the Administration—

[(A) \$14,000,000 for fiscal year 2003;

[(B) \$18,000,000 for fiscal year 2004; and

[(C) \$21,000,000 for fiscal years 2005 through 2007.

[(4) To carry out geodetic functions under this title—

[(A) \$27,500,000 for fiscal year 2003;

[(B) \$30,000,000 for fiscal year 2004;

[(C) \$32,500,000 for fiscal year 2005;

[(D) \$35,000,000 for fiscal year 2006; and

[(E) \$35,500,000 for fiscal year 2007.

[(5) To carry out tide and current measurement functions under this title—

[(A) \$25,000,000 for fiscal year 2003;

[(B) \$27,500,000 for fiscal year 2004;

[(C) \$30,000,000 for fiscal year 2005;

[(D) \$32,500,000 for fiscal year 2006; and

[(E) \$35,000,000 for fiscal year 2007.

[(6) To carry out activities authorized under this title that enhance homeland security, including electronic navigation charts, hydrographic surveys, real time tide and current measurements, and geodetic functions, in addition to other amounts authorized by this section, \$20,000,000.]

SEC. 307. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Administrator sums as may be necessary for each of fiscal years 2008 through 2012 for the purposes of carrying out this Act.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
COMMISSIONED OFFICER CORPS ACT OF 2002

**[SEC. 215. AUTHORIZED NUMBER FOR FISCAL YEARS 2003 THROUGH
2005.**

[33 U.S.C. 3005]

There are authorized to be on the lineal list of the commissioned corps of the National Oceanic and Atmospheric Administration—

- [(1) 270 officers for fiscal year 2003;
- [(2) 285 officers for fiscal year 2004; and
- [(3) 299 officers for fiscal year 2005.]

SEC. 215. NUMBER OF AUTHORIZED COMMISSIONED OFFICERS.

(a) *IN GENERAL.*—The total number of authorized commissioned officers in the NOAA Corps shall not exceed 428.

(b) *FISCAL YEAR STRENGTH.*—The Secretary shall establish the strength for the NOAA Corps each fiscal year. The actual number of authorized officers will be based on organizational needs and available appropriated funding.

(c) *CERTAIN OFFICERS.*—Officers serving under section 228 and officers recalled from retired status shall not be counted in determining authorized strength under subsection (a) and shall not count against that strength.

