

Committee on Natural Resources

Rob Bishop, Chairman
Markup Memorandum

May 3, 2018

To: All Natural Resources Committee Members

From: Majority Committee Staff
Subcommittee on Water, Power and Oceans (x5-8331)

Mark-Up: **H.R. 221 (Rep. Don Young, R-AK)**, To reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes.
May 8, 2018 at 10:10 AM; 1324 Longworth HOB

H.R. 221 (Rep. Don Young), *“Hydrographic Services Improvement Amendments Act”*

Bill Summary

H.R. 221 (Rep. Don Young), reauthorizes appropriations for the Hydrographic Services Improvement Act of 1998¹ through 2022. Under this law, the National Oceanic and Atmospheric Administration (NOAA) conducts and contracts for hydrographic surveys and other hydrographic services which are used to map our coastal areas and navigable waters. The bill also authorizes two hydrographic survey programs specifically focused on the Arctic.

Background

The United States government began conducting ocean surveys as early as 1807 when Congress passed legislation authorizing the President “to cause a survey to be taken off the coasts of the United States” to improve maritime navigation.² This legislation resulted in the creation of the civilian-operated U.S. Coast Survey in 1838, the precursor to the National Ocean Service (NOS) within NOAA.³ NOS is one of six line offices under NOAA and is responsible for the collection of hydrographic data, among other duties.⁴ Hydrographic services overseen by NOS broadly include data collection, tide and water level observations, and a variety of ocean- and coastal-related surveying techniques.⁵ Hydrographic information is valuable to federal, State and local governments along with a wide variety of ocean-based economic activities.

¹ Public Law 105-384, 33 U.S.C. 892 et seq.

² “An Act to provide for surveying the coasts of the United States”, 2 Stat. 413.

³ “History of Coast Survey”, <https://www.nauticalcharts.noaa.gov/staff/hist.html>.

⁴ “An Introduction to NOAA’s National Ocean Service”, can be accessed at: <https://oceanservice.noaa.gov/about/>.

⁵ *Hydrographic Services Improvement Act of 1998*, [33 U.S.C. §892\(3\)\(a\)](#).

Different agencies acting under different statutory authorities have conducted hydrographic surveys throughout U.S. history, and the federal resources committed to these efforts has also fluctuated over time. After World War II, due to strong economic growth and technological innovation in sonar technology, the federal government invested heavily in hydrographic surveying.⁶ The federal



Figure 1: Graphic of a NOAA vessel conducting a hydrographic survey utilizing a multibeam echo sounder. For more information on surveying techniques visit

<https://oceanservice.noaa.gov/navigation/hydro/><https://oceanservice.noaa.gov/navigation/hydro/>

government maintained a robust hydrographic data collection program through the 1940s into the 1970s.⁷ However, support for hydrographic services withered between 1979 and 1994.⁸ Concerned with the aging fleet of hydrographic survey ships and the threat the survey backlog posed to maritime safety and ocean-related economic activity, Rep. Jim Saxton (R-NJ) introduced H.R. 3164, the Hydrographic Services Improvement Act of 1998, in the 105th Congress. This legislation allowed NOAA to contract for hydrographic services, insure the quality of privately gathered hydrographic data and maintain its own capacity to gather these data.⁹

The Hydrographic Services Improvement Act of 1998 was enacted as Title III of Public Law 105-384 and has been reauthorized twice, in 2002 and 2008,¹⁰ with the current authorization of appropriations having expired in 2012.¹¹ H.R. 221, the Hydrographic Services Improvement Amendments Act, would reauthorize appropriations for the program through 2022. Further, the bill would authorize the use of appropriated funds to acquire hydrographic data and conduct surveys in the Arctic. Finally, H.R. 221 directs the Comptroller General to conduct a study comparing the costs of federally and privately conducted hydrographic surveys and submit findings to Congress.

Major Provisions of H.R. 221:

Section 2. Reauthorization of Hydrographic Services Improvement Act of 1998. This section extends the funding authorizations for NOAA to provide hydrographic services through 2022. Section 2 also authorizes NOAA to utilize \$5,000,000 of the appropriated dollars to acquire hydrographic data,

⁶ Committee on Resources Report on H.R. 3164, H. Rept. 105-485, p. 4.

⁷ Id at 5.

⁸ Id.

⁹ Id. at 6.

¹⁰ *Hydrographic Services Improvement Act Amendments of 2002*, [P.L. 107-372](#); *Hydrographic Services Improvement Act Amendments of 2008*, [P.L. 110-386](#).

¹¹ 33 [U.S.C. §892\(d\)](#).

provide hydrographic services and analyze coastal change in the Arctic; and \$2,000,000 to acquire hydrographic data and provide hydrographic services to delineate the United States extended Continental Shelf. Section 2 caps administrative costs at 5% of authorized funds.

Section 3. GAO Study. This section directs the Comptroller General of the United States to conduct a study comparing the unit costs of hydrographic surveys conducted by NOAA and private contractors, and report the findings to Congress within 18 months of passage of the legislation.

Cost

The Congressional Budget Office has not completed a cost estimate of H.R. 221.

Administration Position

NOAA testified in support of H.R. 221 at a November 2, 2017, Subcommittee on Water, Power and Oceans legislative hearing.¹²

Anticipated Amendments:

One amendment is anticipated that revises the authorization years to 2019-2023 to reflect the current fiscal cycle.

Effect on Current Law (Ramseyer)

Showing Current Law as Amended by HR 221

[text to be added highlighted in yellow; text to be deleted bracketed and highlighted in blue]

Section 306 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892d)

§892d. Authorization of appropriations

(a) **In General.**--There are authorized to be appropriated to the Administrator the following:

(1) To carry out nautical mapping and charting functions under sections 892b and 892c of this title, except for conducting hydrographic surveys, \$70,814,000 for each of fiscal years 2018 through 2022.[-

- (A) \$55,000,000 for fiscal year 2009;
- (B) \$56,000,000 for fiscal year 2010;
- (C) \$57,000,000 for fiscal year 2011; and
- (D) \$58,000,000 for fiscal year 2012.]

¹² [Legislative Hearing on H.R. 221, H.R. 1176 and S. 140: Hearing before the Subcommittee on Water, Power and Oceans, House of Representatives, 115th Cong. \(2017\) \(Testimony of Dr. Russell Callender\).](#)

(2) To contract for hydrographic surveys under section 892b(b)(1) of this title, including the leasing or time chartering of vessels, \$25,000,000 for each of fiscal years 2018 through 2022. [-

- (A) \$32,130,000 for fiscal year 2009;
- (B) \$32,760,000 for fiscal year 2010;
- (C) \$33,390,000 for fiscal year 2011; and
- (D) \$34,020,000 for fiscal year 2012.]

(3) To operate hydrographic survey vessels owned by the United States and operated by the Administration, \$29,932,000 for each of fiscal years 2018 through 2022.[-

- (A) \$25,900,000 for fiscal year 2009;
- (B) \$26,400,000 for fiscal year 2010;
- (C) \$26,900,000 for fiscal year 2011; and
- (D) \$27,400,000 for fiscal year 2012.]

(4) To carry out geodetic functions under this title, \$26,800,000 for each of fiscal years 2018 through 2022. [subchapter-

- (A) \$32,640,000 for fiscal year 2009;
- (B) \$33,280,000 for fiscal year 2010;
- (C) \$33,920,000 for fiscal year 2011; and
- (D) \$34,560,000 for fiscal year 2012.]

(5) To carry out tide and current measurement functions under this title, \$30,564,000 for each of fiscal years 2018 through 2022. [subchapter-

- (A) \$27,000,000 for fiscal year 2009;
- (B) \$27,500,000 for fiscal year 2010;
- (C) \$28,000,000 for fiscal year 2011; and
- (D) \$28,500,000 for fiscal year 2012.]

(6) To acquire a replacement hydrographic survey vessel capable of staying at sea continuously for at least 30 days \$75,000,000.

(b) Arctic Programs.—Of the amount authorized by this section for each fiscal year—

(1) \$5,000,000 is authorized for use to acquire hydrographic data, provide hydrographic services, conduct coastal change analyses necessary to ensure safe navigation, and improve the management of coastal change in the Arctic; and

(2) \$2,000,000 is authorized for use to acquire hydrographic data and provide hydrographic services in the Arctic necessary to delineate the United States extended Continental Shelf.

(c) Limitation on Administrative Expenses for Surveys.—Of amounts authorized by this section for each fiscal year for hydrographic surveys, not more than 5 percent is authorized for administrative costs.