

Hydrographic Services Review Panel Bylaws

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Hydrographic Services Review Panel Bylaws

Article 1. Purpose. The purpose of the Hydrographic Services Review Panel (HSRP) is to advise the Under Secretary of Commerce for Oceans and Atmosphere and the Administrator, National Oceanic and Atmospheric Administration (the Administrator), on matters related to the responsibilities and authorities set forth in section 303 of the Hydrographic Services Improvement Act of 1998, its amendments, and such other appropriate matters as the Administrator refers to the Panel for review and advice.

A. Responsibilities Set Forth in Section 303 - To fulfill the data gathering and dissemination duties of the Administration under the Act of 1947 (33 USC 883a et seq.), the Administrator shall:

1. acquire and disseminate hydrographic data;
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 possible and cost-effective, fulfill the requirements of 1- 6 through contracts or other agreements with private sector entities.

B. Authorities Set Forth in Section 303 - To fulfill the data gathering and dissemination duties of the Administration under the Act of 1947 (33 USC 883a et seq.), 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 A8, 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 USC 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.

Article 2. Authority. Public Law 107-372, the Hydrographic Services Improvement Act of 2002 (the Act), establishes the HSRP. The Panel shall function solely as an advisory body and in accordance with the Federal Advisory Committee Act. The framework for the Committee's membership, operations, and administration is set for in the Act. The HSRP is subject to the Federal Advisory Committee Act (FACA).

Article 3. Membership

- A. Membership.** Public Law 107-372 conveys to the Administrator the authority to appoint all members. The Co-directors of the Joint Hydrographic Institute and no more than two employees of the National Oceanic and Atmospheric Administration appointed by the Administrator shall serve as non-voting members. The HSRP total membership shall consist of fifteen voting members and four non-voting members. The voting members shall be individuals, who, by reason of knowledge, experience, or training, are especially qualified in one or more of the following disciplines and fields related to hydrographic surveying; tide, current, geodetic and geospatial measurement; marine transportation; port administration; vessel pilotage; and coastal and fishery management. The HSRP shall select one voting member to serve as the Chair and another voting member to serve as the Vice Chair.
- B. Nominations.** At least once each year, the Administrator shall publish a notice in the Federal Register soliciting nominations for membership on the HSRP.
- C. Appointment.** The Administrator shall appoint all HSRP members. Membership includes the responsibility of the member to attend HSRP meetings personally as often as possible. A member who is unable to attend a meeting may not have another individual attend on his/her behalf.
- D. Term of Membership.** The term of office of a voting member shall be four years, except that of the original appointees, five shall be appointed for a term of

two years, five shall be appointed for a term of three years, and five shall be appointed for a term of four years, as specified by the Administrator at the time of appointment. All members will serve at the discretion of the Administrator. Any individual appointed may be reappointed for one additional full term at the discretion of the Administrator. When a voting member is unable to serve his or her full term, the Administrator shall publish a notice in the Federal Register soliciting nominations for a replacement member.

- E. Compensation.** Voting members are considered Special Government Employees and shall receive compensation at a rate established by the Administrator, 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 the HSRP and shall be reimbursed for actual and reasonable expenses incurred in the performance of such duties. Federal Government employees serving as non-voting members of the HSRP are not eligible for any form of compensation beyond that which they would otherwise receive by virtue of their Federal service. Members will submit travel vouchers within 15 day after each meeting.

Article 4. Meetings

- A. General.** The HSRP will meet at least twice each calendar year as called by the Chair. As the situation permits, the Executive Secretary will canvass the membership in advance of the scheduling of meetings in order to facilitate attendance by the largest number of members. The Chair will also call a meeting when so requested by a majority of the voting members. The Chair, in consultation with the DFO, will set the time and place for meetings and the Executive Secretary will publish notice in the Federal Register at least fifteen calendar days prior to each meeting.
- B. Open Meetings.** Unless otherwise determined in advance, all meetings of the HSRP will be open to the public. All matters brought before or presented to the HSRP during the conduct of an open meeting, including the minutes of the proceedings of an open meeting, shall be available to the public for review or copying.
- C. Closed Meetings.** Meetings of the HSRP will be closed only in limited circumstances and in accordance with applicable law. When the Chair has determined in advance that discussions during a HSRP meeting will involve matters about which public disclosure would be harmful to the interests of the Government, industry, or others, an advance notice of a closed meeting, citing the applicable exemptions of the Government in the Sunshine Act, will be published in the Federal Register. The notice may announce the closing of all or just part of a meeting. If, during the course of an open meeting, matters inappropriate for public disclosure arise during discussions, the Chair will order

such discussion to cease, and shall schedule it for closed session. Notices of closed meetings will be published in the Federal Register at least fifteen calendar days in advance.

- D. Administrative Meetings.** Non-Public meetings of the HSRP required to discuss issues of an administrative or informational nature may be scheduled by the Chair and a notice need not be published in the Federal Register.
- E. Agenda.** The Chair shall approve the agenda for all meetings. The Executive Secretary will distribute the agenda to the members prior to each meeting and will publish an outline of the agenda with the notice of the meeting in the Federal Register. Items for the agenda may be submitted to the Chair by the Administrator, any voting or non-voting member of the HSRP and members of the public. .
- F. Conduct of Meetings.** Meetings will be called to order by the Chair, following which the Chair or Executive Secretary will call the roll or otherwise take attendance and read or reference the minutes of the previous meeting. Meetings will be conducted by the Chair in a manner consistent with the published agenda. The Chair, in consultation with the DFO, may divert from the agenda schedule to facilitate the business of the Panel. Public oral comment may be invited at any time during the meeting, but most likely at the meeting's end, unless the meeting notice advised that written comment was to be accepted in lieu of oral comment. Upon completion of the HSRP business, as agreed upon by the members present, the meeting will be adjourned by the Chair.
- G. Minutes.** The Committee's Executive Secretary shall prepare minutes of each meeting and will post a copy on the HSRP web site. Minutes shall be certified by the Chair within 90 days after the meeting. Members will be notified when the minutes are posted. Minutes of open meetings will be available to the public upon request and will be posted on the HSRP web site. Minutes of closed meetings will be also available to the public upon request, subject to the withholding of matters about which public disclosure would be harmful to the interest of the Government, industry, or others, and which are exempt from disclosure under the FOIA. The minutes will include a record of the persons present (including the names of committee members, names of staff, and the names of members of the public from whom written or oral presentations were made) and a complete and accurate description of the matters discussed and conclusions reached, and copies of all reports received, issued or approved by the HSRP.
- H. Public Comment.** Members of the public may attend any meeting or portion of a meeting that is not closed to the public, and may at the determination of the Chair, offer public comment during a meeting. The Chair may limit the time allowed for individual public comment as necessary to ensure the greatest opportunity for public participation. The meeting announcement published in the Federal Register will note that oral comment from the public is included and will

invite written comment as well. Members of the public may submit written statements to the HSRP at any time.

Article 5. Voting. When a decision or recommendation of the HSRP is required, the Chair shall request a motion for a vote. Any voting member of the HSRP, including the Chair, may make a motion for a vote. A second after a proper motion shall be required to bring any issue to a vote.

A. Voting Eligibility. Only the Chair and the voting members may vote on an issue before the HSRP.

B. Voting Procedures. Votes shall ordinarily be taken and tabulated by a show of hands. Upon a motion approved by two-thirds of the members present, a vote by secret ballot may be taken.

C. Reporting of Votes. The Chair will report to the Executive Secretary the results of the HSRP. The results of a vote will be recorded in the minutes of the meeting. In reporting the results of HSRP voting, the following terms shall apply: (1) Unanimous Decision. Results when every voting member, except abstentions, is in favor of or opposed to a particular motion; (2) Super Majority Decision. Results when two-thirds of the total vote cast are in favor of or are opposed to a particular motion; (3) Majority Decision. Results when the majority of the votes cast are in favor of or are opposed to a particular motion.

Article 6. Committee Officers and Responsibilities

A. Chair. As established by Public Law 107-372, the HSRP Chair shall be selected by the voting members. The Chair will: (1) have general charge and supervision over, and responsibility for, the business and affairs of the HSRP; (2) call meetings of HSRP; (3) in consultation with the DFO set meeting agenda; (4) open, preside over and adjourn meetings; (5) certify meeting minutes. The Chair or his or her designated representative(s) from the Panel will act as the official spokesperson for the Panel to NOAA.

B. Vice Chair. As established by Public Law 107-372, the HSRP Vice Chair shall be selected by the voting members and shall act as Chair in the absence of the Chair.

C. Subcommittees. May be formed when approved by NOAA. All subcommittees work will be forwarded to the HSRP for deliberation, which, in turn, shall advise NOAA.

D. Subcommittee Chair(s). Each formally designated subcommittee shall have a Chair from the HSRP membership, appointed in consultation with the HSRP Chair and the Designated Federal Official. Each subcommittee chair shall serve

a term as appropriate to the work of the subcommittee.

- E. Designated Federal Official.** The FACA requires each advisory committee to have a Designated Federal Official (DFO) who must be present for all meetings. The Director, Office of Coast Survey, or his/her designee, shall serve as the DFO of the HSRP.
- F. Executive Secretary.** The Executive Secretary shall be a member of the staff of the DFO and shall be responsible for: (1) notifying members of the time and place for each meeting; (2) recording the proceedings of all meetings, including subcommittee activities that are presented to the full Panel; (3) maintaining the roll; (4) preparing the minutes of all meetings of the full Panel, including subgroups and working group activities that are presented to the full Panel; including subcommittee activities that are presented to the full Panel; (5) attending to official correspondence; (6) maintaining official HSRP records and filing all papers and submissions to the Panel, including those items generated by subgroups and working groups; (7) preparing a yearly financial report; and (8) preparing and filing the annual HSRP report as required by the FACA.
- G. Committee Staff.** The staffs of the Office of Coast Survey, National Geodetic Survey, and the Center for Operational Oceanographic Products and Services shall serve as the HSRP staff on an as needed basis, and shall provide all services normally performed by such staff, including assistance in the fulfilling of the functions of the Executive Secretary.

Article 7. Documents. Documents presented to the HSRP by any method at any time, including those distributed during the course of a meeting, are part of the official Panel files, and become NOAA records within the meaning of the FOIA, and are subject to the provisions of both the FACA and that Act. Documents originating with agencies of the Federal Government shall remain under the primary control of such agencies and will be on loan to the Panel. Any FOIA request for access to documents originating with any agency shall be referred to that agency. Documents originating with industry that have been submitted to the HSRP during the course of its official business shall also be subject to request for access under the FOIA. Proprietary information that may be contained within such documents should be clearly identified at the time of submission. However, NOAA cannot guarantee the continued withholding of such material under FOIA.

Article 8. Amendment of Bylaws and Charter. Amendments to the Bylaws of the HSRP must conform to the requirements of the FACA and Public Law 107-372, and be agreed to by two-thirds of the voting members. Recommended amendments to the Charter of the HSRP shall be agreed to by two-thirds of the voting members and forwarded by the Chair, through the DFO, to the Chief Financial Officer and Assistant Secretary for Administration, U.S. Department of Commerce. Confirmed receipt of notification to all

Committee members must be completed before any vote is taken to amend either the Charter or bylaws.