

TO REMOVE GEOGRAPHICAL LIMITATIONS ON ACTIVITIES OF THE COAST AND GEODETIC SURVEY

August 17, 1959.—Ordered to be printed

Mr. MAGNUSON, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT

[To accompany S. 2482]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (S. 2482) to remove geographical limitations on activities of the Coast and Geodetic Survey, and for other purposes, having considered the same, report favorably thereon and recommend that the bill do pass.

PURPOSE OF THE BILL

This bill is designed to remove present uncertainty as to the extent of possible offshore activities by the Coast and Geodetic Survey by adding a new section 11 to the act of August 6, 1947 (ch. 504, 61 Stat. 787; 33 U.S.C. 883a-883i) to provide that the Secretary of Commerce may conduct activities authorized by the act without regard to the geographical limitations set forth therein, in connection with projects designated as essential to the national interest by the head of an executive department or agency.

NEED FOR THE LEGISLATION

The intensive development of research programs in many fields of scientific endeavor in connection with military activities, particularly with regard to the exploration of outer space; and the pressing need for expanded knowledge of the oceans' depths for submarine operation and defense as well as for possible new sources of food and mineral resources, have laid greatly increased demands upon the Coast and Geodetic Survey which are certain to multiply as the years go by.

In scientific fields that have taken on new and vital significance, such as oceanography, geodesy, seismology, magnetism and the like, the scientific competence and experience of the Survey personnel must be utilized to the fullest in the interest of survival. That this may be made possible is the primary purpose of this bill.

Under the act of August 6, 1947, basic authority is provided for activities of the Survey which cover a wide field—hydrographic and topographic surveys of coastal water and land areas, tide and current observations, surveys for aeronautical charts, geophysical measurements, geomagnetic data, etc., etc. However, it is prescribed by statute that these activities be conducted—

in the United States, its Territories, and possessions—
while surveys may also be made—

of offlying islands, banks, shoals, and other offshore islands.

That such limited statutory authority for operation of this most important research organization is dangerously inadequate becomes self-evident when the tremendously expanded operations of Russia and other nations in the various research areas are considered.

As a nation we have been remiss in seeking out data concerning outer space and the underwater areas that now loom so large in military thinking, as well as concerning the frozen wastes of the north where Russia has been actively exploring for years. Fortunately, however, our scientists have been awake to the needs for vastly accelerated research activities, and have on their own initiative assembled a great deal of information as to what must be done to close the gap between our knowledge of nature's forces and resources and the far more thorough understanding of such matters by competing nations.

The Committee on Oceanography, composed of eminent scientists from oceanographic institutions and universities, is greatly concerned over our Nation's deficiency in studies of the oceans. Likewise, launching of Sputnik I by the Russians was a shocking reminder to us that we had not pursued our own space program with necessary vigor and appreciation of the need for such vigor.

Our national funds expended in research on outer space and underwater exploration have been almost infinitesimal compared to what these scientists and some in Government know that they should have been. Crying "Rusia, Russia" must become tiresome to our people at times, but it is certainly no secret now that Russia has far exceeded any efforts of this country to explore and chart the waters of the North Pacific, for instance, as well as the entire Arctic area.

Our security in the years ahead may depend to large extent upon our ability to defend against long-range-missile submarines lying off our shores, but we have little knowledge of the Continental Shelf and adjacent depths on which to base such defense. Attack may come over the frozen north, but here again our data are negligible.

The recent recommendation by the National Academy of Sciences and the National Research Council that the Coast and Geodetic Survey be responsible for half of the deep-ocean surveys in connection with their proposed oceanographic program has pointed up the doubt as to whether present statutes would authorize such participation by the Survey in the program. Because of this uncertainty the Survey in the past has had to depend upon other sources for much of the data, measurements, etc., made outside the United States, its Territories, and possessions.

On the economics side, our fisheries are in desperate circumstances, while Russia and Japan have taken command of the vast fishery resources of the Pacific. They know more about the fisheries than we do, and their fishery fleets are far ahead of ours in size and functional design.

The Coast and Geodetic Survey must play a leading part in the expanded research operations which experts in various scientific fields have declared to be essential. To do so it must be released from the statutory geographical shackles that now restrict its activities.

The Defense Department, in its report on S. 2482, dated August 12, opposed enactment on the ground of possible duplication or overlapping of effort in areas where Defense research and exploration facilities have been working. Your committee gave very careful consideration to the Navy's opposition to the bill, but came to the conclusion that the Coast and Geodetic Survey is peculiarly fitted to take over a much larger share of the work than is now possible under existing law. It should be noted that the Bureau of the Budget had no objection to the submission of the legislation to the Congress. On the other hand, there is no notation on the report of the Navy, as to the Bureau's position with respect thereto. Further, we are confident the Departments of Defense and Commerce will be able to properly cooperate in this highly important field.

Reports of the interested Government departments and agencies follow:

THE SECRETARY OF COMMERCE,
Washington, D.C., August 3, 1959.

HON. RICHARD M. NIXON,
President of the Senate,
U.S. Senate, Washington, D.C.

DEAR MR. PRESIDENT: There are attached four copies of a proposed bill to provide flexibility in the performance of certain functions of the Coast and Geodetic Survey and of the Weather Bureau.

There are also attached four copies of a statement of purpose and need for the proposed bill.

We are advised by the Bureau of the Budget that it would interpose no objection to the submission of this proposed legislation.

Sincerely yours,

FREDERICK H. MUELLER,
Acting Secretary of Commerce.

A BILL To remove geographical limitations on activities of the Coast and Geodetic Survey, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled, That the Act of August 6, 1947 (ch. 504, 61 Stat. 787, 33 U.S.C. 883a-883i) is amended by adding at the end thereof, a new section reading as follows:

"SEC. 11. The Secretary of Commerce may conduct activities authorized by this Act without regard to the geographical limitations set forth herein in connection with projects designated as essential to the national interest by the head of an Executive Department or Agency."

STATEMENT IN SUPPORT OF PROPOSED LEGISLATION TO REMOVE
GEOGRAPHICAL LIMITATIONS ON ACTIVITIES OF THE COAST AND
GEODETIC SURVEY AND FOR OTHER PURPOSES

The act of August 6, 1947, which provides basic authority for the activities of the Coast and Geodetic Survey authorizes surveys, observations, measurements, and charting activities in "the United States, its Territories and possessions."

The purpose of the proposed legislation is to clarify ambiguous language in the act of August 6, 1947, and to provide statutory authority for the Secretary of Commerce to conduct activities listed in that act without regard to the geographical limitations set forth therein in connection with projects designated essential to the national interest by the head of an executive department or agency.

The rapid development of the exploration of outer space, the impelling need for increasing our knowledge of the oceans, and the increasing range of scientific investigation and study generally require, for maximum effectiveness, the gathering of increasingly detailed and more widespread geophysical data, which includes geodesy, oceanography, seismology, and geomagnetism. The Coast and Geodetic Survey as a Government agency primarily responsible for surveys in these fields has experienced a rapidly increasing demand for its services in connection with these activities. Many of these requests require data relating to geographical locations and geophysical phenomena which can be obtained only from surveys, observations, measurements or investigations outside the United States, its Territories and possessions. Under the geographical restrictions set forth in the 1947 act, the Coast and Geodetic Survey is unable to collect through its own field parties such data and regardless of the necessity in the national interest for precise data is forced to rely upon other sources for the necessary observations, surveys, measurements and investigations with no control over methods, standards of accuracy or priorities to be established for the various projects.

The oceanographic program as proposed by the National Academy of Sciences, National Research Council, which is now being considered by the Congress, recommends that the Coast and Geodetic Survey be responsible for half of the deep-ocean surveys. The inclusion of the geographical restrictions in the 1947 act poses a question as to whether or not the Coast and Geodetic Survey has the legal authority to conduct hydrographic and oceanographic surveys on the high seas. This question is raised by the ambiguity of the phrase ("including surveys of offlying islands, banks, shoals, and other offshore areas") in section 1(1) of the act.

A question is also raised by the inclusion of the geographical limitations in section 1 as to whether or not the Coast and Geodetic Survey has the authority to conduct the activities enumerated in that section in areas outside the United States, its territories and possessions as a reimbursable project for another department or agency in accordance with section 601 of the Economy Act of 1932 (31 U.S.C. 686).

The proposed legislation would authorize the Coast and Geodetic Survey to carry out its activities without regard to geographical limitations whenever the head of an executive agency determines the project to be essential to the national interest.

Since the enactment of the enclosed draft bill would not, in the foreseeable future, entail annual expenditure of appropriated funds in excess of \$1 million the provisions of Public Law 801, 84th Congress, are not applicable.

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, D.C., August 12, 1959.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Interstate and Foreign Commerce,
U.S. Senate, Washington, D.C.

MY DEAR MR. CHAIRMAN: Your request for comment on S. 2482, a bill to remove geographical limitations on activities of the Coast and Geodetic Survey, and for other purposes, has been assigned to this Department by the Secretary of Defense for the preparation of a report thereon expressing the views of the Department of Defense.

The act of Congress approved August 6, 1947 (61 Stat. 787), pertaining to the functions of the Coast and Geodetic Survey, limits the activities of the Survey to the United States, its Territories, and possessions. The Congress considered this limitation proper inasmuch as surveying, mapping, and charting functions covering areas outside the United States, its Territories and possessions are being carried out by the charting and mapping agencies of the Army, Navy, and Air Force. The responsibilities of the Hydrographic Office of the Department of the Navy in this connection are defined in United States Code, title 10, section 7391-4.

In support of the above functions, national repositories have been established at the Hydrographic Office, the Army Map Service, and the Aeronautical Chart and Information Center containing information worldwide in scope, in the fields of hydrography and oceanography; geodesy and topography, and aeronautical charting, respectively. These repositories, unique in scope, contain classified and unclassified surveying, mapping, and charting data produced throughout the world. Through its military attachés the Department of Defense is constantly aware of what survey, mapping, and charting work exists, what is underway and what is being planned which is considered of vital interest to the defense of the United States. Thus, any requirement for this type of information for areas outside the United States, its Territories, and possessions can best be met by the Department of Defense.

The proposed legislation is therefore opposed for the following reasons:

(a) It will result in duplication of responsibilities inasmuch as surveying, mapping, and charting functions covering areas outside the United States and its possessions are assigned to the Department of Defense and are accomplished through the coordinated efforts of the Corps of Engineers, U.S. Army, the U.S. Navy Hydrographic Office, and the Air Photographic and Charting Service, U.S. Air Force.

(b) Overlapping functions are never satisfactory as they often lead to duplication of effort, inefficiency of operations, and split responsibilities.

(c) Survey operations outside the continental limits of the United States and its possessions usually require diplomatic negotiations

with foreign powers. Participation by agencies other than those normally recognized internationally as having the basic responsibility for carrying out such work, will result in loss of prestige to the military organizations and possible distrust of the United States.

(d) The Department of Defense, through its worldwide responsibility, can provide more efficient logistic support and facilities at less cost to the taxpayer for all surveying and charting operations carried out by this country outside the continental limits of the United States and its possessions.

It is pointed out that, through the memorandum of understanding dated February 24, 1959, between the Department of Defense and the Department of Commerce, copy of which is enclosed, the facilities of the U.S. Coast and Geodetic Survey can be fully utilized by the three services in the event of a national emergency. No special legislation for that purpose is therefore necessary. Neither is legislation considered necessary involving operations of the Coast and Geodetic Survey outside the United States, its Territories and possessions, as long as such work is requested by the appropriate Department of Defense agency and reimbursement therefore is made available by transfer of funds.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

Sincerely yours,

R. L. KIBBE,
Captain, U.S. Navy,
Deputy Chief of Legislative Affairs
 (For the Secretary of the Navy).

MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENT OF
 DEFENSE AND THE DEPARTMENT OF COMMERCE IN REGARD TO THE
 UTILIZATION OF THE FACILITIES OF THE COAST AND GEODETIC
 SURVEY IN THE EVENT OF NATIONAL EMERGENCY

1. PURPOSE

It is the purpose of this memorandum of understanding to provide, under conditions of a national emergency, for the effective use, cooperation, and coordination of the services of the Coast and Geodetic Survey of the Department of Commerce in support of Department of Defense requirements, and to establish the conditions of use of such services in the accomplishment of the responsibilities of the Department of Defense. This memorandum of understanding will be implemented upon Presidential or congressional declaration of a state of national emergency and when requested by the Secretary of Defense, and will be in conformity with the provisions of section 601 of the Economy Act of 1932 (31 U.S.C. 686).

2. UNDERSTANDING

Pursuant to paragraphs 3(b) and 5(b) of the Regulations Governing Cooperation of the Coast and Geodetic Survey with the Armed Services dated February 12, 1954, the U.S. Department of Commerce agrees to make the following services and facilities of the Coast and Geodetic Survey available for projects, within the limitations of the

Coast and Geodetic Survey Enabling Act of 1947, required by the Department of Defense upon its request, due consideration being given to civil defense and minimum civil needs:

(a) Establishment of geodetic control, performance of geodetic computations, and allied processes pertaining to surveying and geodesy.

(b) Compilation of magnetic data required for isomagnetic charts.

(c) Survey vessels with their personnel and equipment.

(d) Preparation and publication of tidal data to meet special military requirements.

(e) Cartographic facilities and services required for research, compilation, and color separation for topographic maps, nautical charts, aeronautical charts, target materials, and allied publications as required during the period of national emergency.

(f) Photogrammetric and ground surveying and allied services required for location of objects of military significance and for preparation of topographic maps.

(g) Cartographic and reproduction (including photographic processing and indexing) facilities and services to meet special requirements of the Department of Defense commensurate with capabilities.

In the event minimum civil needs cannot be resolved by the Interdepartmental Board for Cooperation of the Coast and Geodetic Survey with the Armed Services, the Office of Civil and Defense Mobilization, or its successor agency, will be requested to determine those requirements.

3. GENERAL PROVISIONS

(a) Coast and Geodetic Survey personnel, having access to classified information, engaged in the accomplishment of work of the Department of Defense will have an appropriate security clearance issued by the Security Control Officer of the Department of Commerce.

(b) Facilities allocated for accomplishment of Department of Defense work should preferably be located away from coastal or prime target areas.

(c) The utilization of services set forth in this understanding will be within the administrative structure of the Coast and Geodetic Survey.

(d) Expansion of facilities of the Coast and Geodetic Survey to meet military requirements will be determined by policies of the Department of Defense, assisted by such advisory boards of representatives of military and civilian mapping and charting organizations as may be established.

(e) The Department of Defense will budget for all military projects envisaged herein, and will transfer to the Department of Commerce the funds required to cover the cost of assigned projects.

(f) The Department of Defense will furnish the Department of Commerce its estimated requirements as far in advance as possible.

(g) The Department of Defense will assist, as may be required, in the procurement or development of additional equipment, materials, or other facilities needed for the successful completion of assigned military projects.

4. SPECIAL PROVISIONS

Requests for the services of the Coast and Geodetic Survey, made by the Department of Defense, will be in accordance with the following procedures:

(a) All photogrammetric and geodetic projects initiated to meet military topographic mapping needs under the terms of this understanding will be made by the Chief of Engineers, Department of the Army.

(b) All magnetic, tidal data, survey vessels, and nautical cartographic projects under the terms of this understanding will be made by the Department of the Navy.

(c) All cartographic services devoted to target materials production, aeronautical charting, and photographic indexing and related processing, under the terms of this understanding will be made by the Department of the Air Force.

(d) The accomplishment of cartographic and reproduction projects for the Department of Defense will be made in accordance with priorities established by the Interdepartmental Board for Cooperation of the Coast and Geodetic Survey with the Armed Services.

(e) Services and facilities not specifically committed to one of the military departments above and not required for minimum civil needs, and any conflicts among Defense Departmental requirements, will be coordinated by or through the Photographic and Survey Branch, J-2 (Intelligence) Directorate, Joint Staff, Joint Chiefs of Staff, Department of Defense.

5. The details of organizational and liaison relationship between the Department of Defense elements and Department of Commerce elements to best utilize the overall capabilities of the Coast and Geodetic Survey will be developed as rapidly as feasible in order that full utilization may be made upon implementation of the memorandum of understanding.

6. The terms of this understanding are subject to change as dictated by mobilization requirements upon agreement of the departments concerned.

7. This Memorandum of Understanding supersedes and rescinds the following memorandums between the U.S. Department of Commerce and:

(a) Department of the Army, dated 29 May 1951.

(b) Department of the Navy, dated 17 May 1951.

(c) Department of the Air Force, dated 3 October 1951.

DONALD A. QUARLES,
Secretary of Defense, Acting.

LEWIS L. STRAUSS,
Secretary of Commerce.

February 24, 1959.

CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill are shown as follows (new matter is printed in italic; and existing law in which no change is proposed is shown in roman):

AN ACT To define the Functions and Duties of the Coast and Geodetic Survey, and for other Purposes (61 Stat. 787, ch. 504; 33 U.S.C. 883a et seq.)

- SEC. 1. Activities. * * *
- SEC. 2. Dissemination of data. * * *
- SEC. 3. Geomagnetic data. * * *
- SEC. 4. Developmental work. * * *
- SEC. 5. Cooperation with organizations. * * *
- SEC. 6. Contracts. * * *
- SEC. 7. Acceptance of gifts. * * *
- SEC. 8. Employment of Public Vessels. * * *
- SEC. 9. Appropriations. * * *
- SEC. 10. Repeals. * * *

SEC 11. The Secretary of Commerce may conduct activities authorized by this Act without regard to the geographical limitations set forth herein in connection with projects designated as essential to the national interest by the head of an executive department or agency.

