

Bronx River, New York, published as House Document 897, 62nd Congress, 2nd Session, and other pertinent reports, to determine whether any modifications of the recommendations contained therein are advisable at the present time, in the interest of water resources development, including flood control, environmental restoration and protection and other related purposes.

Adopted: March 24, 1998.

Attest.

BUD SHUSTER, *Chairman.*

RESOLUTION

[Docket 2550—Mile Point, Florida]

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on Jacksonville Harbor, Florida, published as House Document 214, 89th Congress, 1st Session, and other pertinent reports to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of navigation and other related purposes, with particular reference.

Adopted: March 24, 1998.

Attest.

BUD SHUSTER, *Chairman.*

RESOLUTION

[Docket 2549—Spring Bayou Area, Louisiana]

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Mississippi River and Tributaries Project, published as House Document 308, 88th Congress, 2nd Session, to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of a comprehensive plan of improvement for environmental restoration and protection, flood damage prevention, improved drainage, and other related purposes in the Spring Bayou area.

Adopted: March 24, 1998.

Attest.

BUD SHUSTER, *Chairman.*

RESOLUTION

[Docket 2548—Rahway River Basin, New Jersey]

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Rahway River, New Jersey, published as House Document 67, 89th Congress, and other pertinent reports to determine whether any modifications of the recommendations contained therein are advisable at the present time, in the interest of water resources development, including flood control, environmental restoration and protection and other related purposes.

Adopted: March 24, 1998.

Attest.

BUD SHUSTER, *Chairman.*

The communication, together with the accompanying papers, was referred to the Committee on Appropriations.

¶32.6 ORDER OF BUSINESS—

CONSIDERATION OF H.R. 3164

On motion of Mr. SAXTON, by unanimous consent,

Ordered, That it may be in order today or on any day thereafter, for the Speaker, as though pursuant to clause 1(b) of rule XXIII, to declare the House resolved into the Committee of the Whole House on the State of the Union

for consideration of the bill (H.R. 3164) to describe the hydrographic services functions of the Administrator of the National Oceanic and Atmospheric Administration, and for other purposes, and that consideration of the bill proceed according to the following order:

(1) The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(1)(6) of rule XI or section 303(a) of the Congressional Budget Act of 1974 are waived.

(2) General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources.

(3) After general debate, the bill shall be considered for amendment under the five-minute rule.

(4) In lieu of the amendment recommended by the Committee on Resources now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in the Congressional Record and numbered 1 pursuant to clause 6 of rule XXIII. Each section of that amendment in the nature of a substitute shall be considered as read. Points of order against that amendment in the nature of a substitute for failure to comply with clause 5(a) of rule XXI or section 303(a) of the Congressional Budget Act of 1974 are waived.

(5) During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering the amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read.

(6) The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be fifteen minutes.

(7) At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text.

(8) The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one

motion to recommit with or without instructions.

¶32.7 HYDROGRAPHIC SERVICES IMPROVEMENT

The SPEAKER pro tempore, Mr. WATTS of Oklahoma, pursuant to the foregoing order of the House and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3164) to describe the hydrographic services functions of the Administrator of the National Oceanic and Atmospheric Administration, and for other purposes.

The SPEAKER pro tempore, Mr. WATTS of Oklahoma, by unanimous consent, designated Mr. GILLMOR as Chairman of the Committee of the Whole; and after some time spent therein,

The SPEAKER pro tempore, Mr. PEASE, assumed the Chair.

When Mr. GILLMOR, Chairman, pursuant to the foregoing order of the House, reported the bill back to the House with an amendment adopted by the Committee.

Pursuant to said order of the House, the previous question was considered as ordered.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hydrographic Services Improvement Act of 1998".

SEC. 2. DEFINITIONS.

In this Act:

(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 measurements, tide 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, and tide 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.).

SEC. 3. FUNCTIONS OF THE ADMINISTRATOR.

(a) RESPONSIBILITIES.—To fulfill the data gathering and dissemination duties of the Administration under the Act of 1947, the Administrator shall—

(1) acquire 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 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) may, subject to section 5, design and install where appropriate Physical Oceanographic Real-Time Systems to enhance navigation safety and efficiency.

SEC. 4. QUALITY ASSURANCE PROGRAM.

(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 may—

(A) develop and implement a quality assurance program, under which the Administrator may certify hydrographic products that satisfy the standards promulgated by the Administrator under section 3(a)(3);

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

(C) 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 3(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) **LIMITATION; DEPOSIT.**—Fees deposited in this account during any fiscal year pursuant to this section shall be deposited and credited as offsetting collections to the National Oceanic and Atmospheric Administration, Operations, Research, and Facilities account. No amounts collected pursuant to this section for any fiscal year may be spent except to the extent provided in advance in appropriations Acts.

(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. 5. OPERATION AND MAINTENANCE OF PHYSICAL OCEANOGRAPHIC REAL-TIME SYSTEMS.

(a) **NEW SYSTEMS.**—After the date of enactment of this Act, the Administrator may not design or install any Physical Oceanographic Real-Time System, unless the local sponsor of the system or another Federal agency has agreed to assume the cost of operating and maintaining the system within 90 days after the date the system becomes operational.

(b) **EXISTING SYSTEMS.**—After October 1, 1999, the Administration shall cease to operate Physical Oceanographic Real-Time Systems, other than any system for which the local sponsor or another Federal agency has agreed to assume the cost of operating and maintaining the system by January 1, 1999.

SEC. 6. REPORTS.

(a) **PHOTOGRAMMETRY AND REMOTE SENSING.**—

(1) **IN GENERAL.**—Not later than 6 months after the date of enactment of this Act, the Administrator shall report to the Congress on a plan to increase, consistent with this Act, contracting with the private sector for photogrammetric and remote sensing services related to hydrographic data acquisition or hydrographic services. In preparing the report, the Administrator shall consult with private sector entities knowledgeable in photogrammetry and remote sensing.

(2) **CONTENTS.**—The report shall include the following:

(A) An assessment of which of the photogrammetric and remote sensing services related to hydrographic data acquisition or hydrographic services performed by the National Ocean Service can be performed adequately by private-sector entities.

(B) An evaluation of the relative cost-effectiveness of the Federal Government and private-sector entities in performing those services.

(C) A plan for increasing the use of contracts with private-sector entities in performing those services, with the goal of obtaining performance of 50 percent of those services through contracts with private-sector entities by fiscal year 2003.

(b) **PORTS.**—Not later than 6 months after the date of enactment of this Act, the Administrator shall report to the Congress on—

(1) the status of implementation of real-time tide and current data systems in United States ports;

(2) existing safety and efficiency needs in United States ports that could be met by increased use of those systems; and

(3) a plan for expanding those systems to meet those needs, including an estimate of the cost of implementing those systems in priority locations.

(c) **MAINTAINING FEDERAL EXPERTISE IN HYDROGRAPHIC SERVICES.**—

(1) **IN GENERAL.**—Not later than 6 months after the date of enactment of this Act, the Administrator shall report to the Congress on a plan to ensure that Federal competence and expertise in hydrographic surveying will be maintained after the decommissioning of the 3 existing National Oceanic and Atmospheric Administration hydrographic survey vessels.

(2) **CONTENTS.**—The report shall include—

(A) an evaluation of the seagoing capacity, personnel, and equipment necessary to maintain Federal expertise in hydrographic services;

(B) an estimated schedule for decommissioning the 3 existing survey vessels;

(C) a plan to maintain Federal expertise in hydrographic services after the decommissioning of these vessels; and

(D) an estimate of the cost of carrying out this plan.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

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

(1) To carry out nautical mapping and charting functions under the Act of 1947 and sections 3 and 4, except for conducting hydrographic surveys, \$33,000,000 for fiscal year 1999, \$34,000,000 for fiscal year 2000, \$35,000,000 for fiscal year 2001, \$36,000,000 for fiscal year 2002, and \$37,000,000 for fiscal year 2003.

(2) To conduct hydrographic surveys under section 3(a)(1), including leasing of ships, \$33,000,000 for fiscal year 1999, \$35,000,000 for fiscal year 2000, \$37,000,000 for fiscal year 2001, \$39,000,000 for fiscal year 2002, and \$41,000,000 for fiscal year 2003. Of these amounts, no more than \$14,000,000 is authorized for any one fiscal year to operate hydrographic survey vessels owned and operated by the Administration.

(3) To carry out geodetic functions under the Act of 1947, \$20,000,000 for fiscal year 1999, and \$22,000,000 for each of fiscal years 2000, 2001, 2002, and 2003.

(4) To carry out tide and current measurement functions under the Act of 1947, \$22,500,000 for each of fiscal years 1999 through 2003. Of these amounts, \$2,500,000 is authorized for each fiscal year to implement and operate a national quality control system for real-time tide and current data, and \$7,500,000 is authorized for each fiscal year to design and install real-time tide and current data measurement systems under section 3(b)(4) (subject to section 5).

SEC. 8. COMPLIANCE WITH BUY AMERICAN ACT.

No funds authorized pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the “Buy American Act”).

SEC. 9. SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) **PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.**—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) **NOTICE TO RECIPIENTS OF ASSISTANCE.**—In providing financial assistance under this Act, the Secretary of Commerce shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 10. PROHIBITION OF CONTRACTS.

If it is has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a “Made in America” inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not

made in the United States, such person shall be ineligible to receive any contract or sub-contract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce, Will the House pass said bill?

The SPEAKER pro tempore, Mr. PEASE, announced that the yeas had it.

So the bill was passed. A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

§32.8 PROVIDING FOR THE CONSIDERATION OF H.J. RES. 111

Ms. PRYCE, by direction of the Committee on Rules, called up the following resolution (H. Res. 407):

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 111) proposing an amendment to the Constitution of the United States with respect to tax limitations. The joint resolution shall be considered as read for amendment. The amendment specified in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The previous question shall be considered as ordered on the joint resolution, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) three hours of debate on the joint resolution, as amended, which shall be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; (2) one motion to amend, if offered by the Minority Leader or his designee, which shall be considered as read and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

When said resolution was considered. After debate,

On motion of Ms. PRYCE, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

§32.9 TAX LIMITATIONS CONSTITUTIONAL AMENDMENT

Mr. GOODLATTE, pursuant to House Resolution 407, called up the joint resolution (H.J. Res. 111) proposing an amendment to the Constitution of the United States with respect to tax limitations.

Pursuant to House Resolution 407, the amendment printed in House Report 105-488 was agreed to.

After debate,

Pursuant to House Resolution 407, the previous question was considered as ordered on the joint resolution, as amended.

The joint resolution, as amended, was ordered to be engrossed and read a

third time, was read a third time by title.

The question being put, viva voce, Will the House pass said joint resolution?

The SPEAKER pro tempore, Mr. SNOWBARGER, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SCOTT demanded a recorded vote on agreeing to said joint resolution which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The SPEAKER pro tempore, Mr. SNOWBARGER, pursuant to clause 5, rule I, announced that further proceedings were postponed.

§32.10 RECESS—3:56 P.M.

The SPEAKER pro tempore, Mr. BRADY, pursuant to clause 12 of rule I, declared the House in recess at 3 o'clock and 54 minutes p.m., until approximately 5:15 p.m.

§32.11 AFTER RECESS—5:37 P.M.

The SPEAKER pro tempore, Mr. PEASE, called the House to order.

§32.12 PROVIDING FOR THE CONSIDERATION OF H.R. 1252

Mr. SOLOMON, by direction of the Committee on Rules, reported (Rept. No. 105-491) the resolution (H. Res. 408) providing for consideration of the bill (H.R. 1252) to modify the procedures of the Federal courts in certain matters, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

§32.13 H.J. RES. 111—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. PEASE, pursuant to clause 5 of rule I, announced the unfinished business to be the question of passage of the joint resolution (H.J. Res. 111) proposing an amendment to the Constitution of the United States with respect to tax limitations.

The question being put, Will the House pass said joint resolution?

The vote was taken by electronic device.

It was decided in the { Yeas 238 affirmative } Nays 186

§32.14 [Roll No. 102] AYES—238

- Aderholt Bonilla Coble
Andrews Bono Coburn
Archer Boswell Collins
Arney Brady Combest
Bachus Bryant Condit
Baker Bunning Cook
Ballenger Burr Cooksey
Barcia Burton Cox
Barr Buyer Cramer
Barrett (NE) Callahan Crane
Bartlett Calvert Crapo
Barton Camp Cubin
Bass Canady Cunningham
Berry Cannon Danner
Bilbray Castle Davis (VA)
Bilirakis Chabot Deal
Bliley Chambliss DeLay
Blunt Blizach Chenoweth
Boehner Christensen Dickey

- Doolittle King (NY) Roemer
Dreier Kingston Rogan
Duncan Klug Rogers
Dunn Knollenberg Rohrabacher
Ehlers Kolbe Ros-Lehtinen
Ehrlich LaHood Roukema
Emerson Largent Royce
English Latham Ryun
Ensign LaTourrette Salmon
Etheridge Lazio Sanchez
Everett Leach Sandlin
Ewing Lewis (CA) Sanford
Fawell Lewis (KY) Saxton
Foley Linder Scarborough
Forbes Livingston Schaefer, Dan
Fossella LoBiondo Schaffer, Bob
Fowler Lucas Sensenbrenner
Fox Maloney (CT) Sessions
Franks (NJ) Manzullo Shadegg
Frelinghuysen McCarthy (NY) Shays
Gallegly McCollum Sherman
Ganske McCrery Shimkus
Gekas McDade Shuster
Gibbons McHugh Skeen
Gilchrist McInnis Skelton
Gilman McIntosh Smith (MI)
Gingrich McIntyre Smith (NJ)
Goode McKeon Smith (OR)
Goodlatte Metcalf Smith (TX)
Goodling Mica Smith, Linda
Gordon Miller (FL) Snowbarger
Goss Moran (KS) Solomon
Graham Myrick Souder
Granger Nethercutt Spence
Green Neumann Stearns
Greenwood Ney Stump
Gutknecht Northup Sununu
Hall (TX) Norwood Talent
Hansen Nussle Tauzin
Harman Oxley T aylor (MS)
Hastert Packard T aylor (NC)
Hastings (WA) Pallone Thomas
Hayworth Pappas Thornberry
Hefley Parker Thune
Herger Paul Tiahrt
Hilleary Paxon Traficant
Hobson Pease Upton
Hoekstra Peterson (PA) Wamp
Horn Petri Watkins
Hulshof Pickering Watts (OK)
Hunter Pitts Weldon (FL)
Hutchinson Pombo Weldon (PA)
Hyde Portman Weller
Inglis Pryce (OH) White
Jenkins Quinn Whitfield
John Radanovich Wicker
Johnson, Sam Ramstad Wolf
Jones Redmond Young (AK)
Kasich Regula Young (FL)
Kelly Riggs
Kim Riley

NOES—186

- Abercrombie DeLauro Jefferson
Ackerman Deutsch Johnson (CT)
Allen Dicks Johnson (WI)
Baesler Dingell Johnson, E. B.
Baldacci Doggett Kanjorski
Barrett (WI) Dooley Kaptur
Becerra Doyle Kennedy (MA)
Bentsen Edwards Kennedy (RI)
Bereuter Engel Kennelly
Berman Eshoo Kildee
Bishop Evans Kilpatrick
Blagojevich Farr Kind (WI)
Blumenauer Fattah Kleczka
Boehlert Fazio Klink
Bonior Filner Kucinich
Borski Ford LaFalce
Boucher Frank (MA) Lampson
Boyd Frost Lantos
Brown (FL) Furse Lee
Brown (OH) Gejdenson Levin
Campbell Gephardt Lewis (GA)
Capps Gillmor Lipinski
Cardin Gutierrez Lofgren
Carson Hall (OH) Lowey
Clay Hamilton Luther
Clayton Hill Maloney (NY)
Clement Hilliard Manton
Clyburn Hinchey Markey
Conyers Hinojosa Martinez
Costello Holden Mascara
Coyne Hooley Matsui
Cummings Hostettler McCarthy (MO)
Davis (FL) Houghton McDermott
Davis (IL) Hoyer McGovern
DeFazio Jackson (IL) McHale
DeGette Jackson-Lee McKinney
Delahunt (TX) McNulty