

The amendments were agreed to. The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, this 15-minute vote on passage will be followed by a 5-minute vote on the motion to instruct on H.R. 1308 offered by the gentleman from Maine (Mr. MICHAUD).

The vote was taken by electronic device, and there were—yeas 268, nays 152, not voting 14, as follows:

[Roll No. 389]

YEAS—268

Abercrombie	Edwards	Lampson
Aderholt	Ehlers	Latham
Alexander	Emerson	LaTourette
Baca	English	Leach
Bachus	Everett	Lewis (CA)
Baker	Farr	Lewis (KY)
Barrett (SC)	Fattah	Linder
Bartlett (MD)	Feeney	Lipinski
Bass	Flake	LoBiondo
Beauprez	Fletcher	Lucas (KY)
Bell	Foley	Lucas (OK)
Bereuter	Forbes	Maloney
Biggart	Fossella	Marshall
Bilirakis	Frelinghuysen	McCotter
Bishop (GA)	Frost	McCrery
Bishop (UT)	Gallegly	McHugh
Blackburn	Garrett (NJ)	McInnis
Blunt	Gerlach	McIntyre
Boehlert	Gibbons	McKeon
Boehner	Gilchrest	Mica
Bonner	Gillmor	Miller (MI)
Bono	Gingrey	Miller, Gary
Boozman	Gonzalez	Mollohan
Boucher	Goode	Moore
Boyd	Goodlatte	Moran (KS)
Bradley (NH)	Gordon	Moran (VA)
Brady (PA)	Goss	Murphy
Brady (TX)	Green (TX)	Murtha
Brown (SC)	Green (WI)	Musgrave
Brown-Waite,	Greenwood	Myrick
Ginny	Gutknecht	Nethercutt
Burns	Hall	Neugebauer
Burr	Harman	Ney
Burton (IN)	Harris	Northup
Buyer	Hart	Norwood
Calvert	Hastings (WA)	Nunes
Camp	Hayes	Nussle
Cannon	Hayworth	Oberstar
Cantor	Hefley	Ortiz
Capito	Hensarling	Osborne
Cardoza	Herger	Ose
Castle	Hill	Otter
Chabot	Hobson	Oxley
Chocola	Hoefel	Pearce
Clyburn	Hoekstra	Pence
Coble	Holden	Peterson (MN)
Cole	Houghton	Peterson (PA)
Collins	Hulshof	Pickering
Cox	Hunter	Pitts
Cramer	Hyde	Platts
Crane	Isakson	Pombo
Crenshaw	Issa	Pomeroy
Cubin	Istook	Porter
Culberson	Jackson (IL)	Portman
Cunningham	Jenkins	Pryce (OH)
Davis (AL)	John	Putnam
Davis (FL)	Johnson (CT)	Quinn
Davis (TN)	Johnson (IL)	Radanovich
Davis, Tom	Kanjorski	Regula
Deal (GA)	Kaptur	Rehberg
DeLay	Keller	Renzi
DeMint	Kelly	Reyes
Diaz-Balart, L.	King (IA)	Reynolds
Diaz-Balart, M.	King (NY)	Rodriguez
Dicks	Kingston	Rogers (AL)
Dooley (CA)	Kirk	Rogers (KY)
Doolittle	Kline	Rogers (MI)
Doyle	Knollenberg	Ros-Lehtinen
Dreier	Kolbe	Ross
Dunn	LaHood	Rothman

Rush	Smith (NJ)
Ryun (KS)	Smith (TX)
Sabo	Snyder
Sandlin	Souder
Saxton	Stenholm
Schrock	Stupak
Scott (GA)	Sullivan
Scott (VA)	Sweeney
Serrano	Tancredo
Sessions	Tauzin
Shadegg	Taylor (MS)
Shaw	Taylor (NC)
Shays	Terry
Sherwood	Thomas
Shimkus	Thompson (CA)
Shuster	Thompson (MS)
Simmons	Thornberry
Simpson	Tiahrt
Skelton	Tiberi
Smith (MI)	Toomey

NAYS—152

Ackerman	Holt
Akin	Honda
Allen	Hooley (OR)
Andrews	Hostettler
Baird	Hoyer
Baldwin	Inslee
Ballance	Israel
Becerra	Jackson-Lee
Berry	(TX)
Bishop (NY)	Johnson, E. B.
Blumenauer	Jones (NC)
Boswell	Jones (OH)
Brown (OH)	Kennedy (MN)
Brown, Corrine	Kennedy (RI)
Capps	Kildee
Capuano	Kilpatrick
Cardin	Kind
Carson (IN)	Kleczka
Carson (OK)	Kucinich
Case	Langevin
Clay	Lantos
Conyers	Larson (WA)
Cooper	Larson (CT)
Costello	Lee
Crowley	Levin
Cummings	Lewis (GA)
Davis (CA)	Lofgren
Davis (IL)	Lowey
Davis, Jo Ann	Lynch
DeFazio	Majette
DeGette	Manzullo
Delahunt	Markey
DeLauro	Matheson
Deutsch	Matsui
Dingell	McCarthy (MO)
Doggett	McCarthy (NY)
Duncan	McCollum
Emanuel	McDermott
Engel	McGovern
Eshoo	McNulty
Etheridge	Meehan
Evans	Meek (FL)
Filner	Meeks (NY)
Ford	Menendez
Frank (MA)	Michaud
Franks (AZ)	Miller (FL)
Graves	Miller (NC)
Grijalva	Miller, George
Gutierrez	Nadler
Hastings (FL)	Napolitano
Hinchey	Neal (MA)
Hinojosa	Obey

NOT VOTING—14

Ballenger	Burgess	Janklow
Barton (TX)	Carter	Jefferson
Berkley	Ferguson	Johnson, Sam
Berman	Gephardt	Millender-
Bonilla	Granger	McDonald

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BASS) (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 2350

Mr. OBERSTAR changed his vote from “nay” to “yea.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

The SPEAKER pro tempore. The unfinished business is the question on the motion to instruct conferees on the bill, H.R. 1308.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Maine (Mr. MICHAUD) on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 202, nays 214, not voting 18, as follows:

[Roll No. 390]

YEAS—202

Abercrombie	Hall	Oberstar
Ackerman	Harman	Obey
Alexander	Hastings (FL)	Oliver
Allen	Hill	Ortiz
Andrews	Hinchey	Owens
Baca	Hinojosa	Pallone
Baird	Hoefel	Pascrell
Baldwin	Holden	Pastor
Ballance	Holt	Payne
Becerra	Honda	Pelosi
Bell	Hooley (OR)	Peterson (MN)
Berry	Hoyer	Pomeroy
Bishop (GA)	Inslee	Price (NC)
Bishop (NY)	Israel	Rahall
Sanders	Jackson (IL)	Rangel
Blumenauer	Jackson-Lee	Reyes
Boswell	(TX)	Rodriguez
Boucher	John	Ross
Boyd	Johnson, E. B.	Rothman
Brady (PA)	Jones (OH)	Royal-Allard
Brown (OH)	Kanjorski	Ruppersberger
Brown, Corrine	Kaptur	Rush
Capps	Kennedy (RI)	Ryan (OH)
Capuano	Kildee	Sabo
Cardin	Kilpatrick	Sanchez, Linda
Cardoza	Kind	T.
Carson (IN)	Kucinich	Sanchez, Loretta
Carson (OK)	Langevin	Sanders
Case	Lantoso	Sandlin
Castle	Larson (WA)	Schakowsky
Clay	Larson (CT)	Schiff
Clyburn	Leach	Scott (GA)
Conyers	Lee	Scott (VA)
Cooper	Levin	Serrano
Costello	Lewis (GA)	Sherman
Cramer	Lowey	Skelton
Crowley	Lucas (KY)	Slaughter
Cummings	Lynch	Smith (WA)
Davis (AL)	Majette	Snyder
Davis (CA)	Maloney	Solis
Davis (FL)	Markey	Spratt
Davis (IL)	Marshall	Stark
Davis (TN)	Matheson	Stenholm
DeFazio	Matsui	Strickland
DeGette	McCarthy (MO)	Stupak
Delahunt	McCarthy (NY)	Tanner
DeLauro	McCollum	Tauscher
Deutsch	McDermott	Taylor (MS)
Dicks	McGovern	Thompson (CA)
Dingell	McIntyre	Thompson (MS)
Doggett	McNulty	Tierney
Doyle	Meehan	Towns
Edwards	Meek (FL)	Turner (TX)
Emanuel	Meeks (NY)	Udall (CO)
Engel	Menendez	Udall (NM)
Eshoo	Michaud	Upton
Etheridge	Miller (NC)	Van Hollen
Evans	Miller, George	Velazquez
Farr	Mollohan	Visclosky
Fattah	Moore	Waters
Filner	Moran (VA)	Watson
Ford	Murtha	Watt
Frank (MA)	Nadler	Waxman
Frost	Nadler	Weiner
Gonzalez	Napolitano	Wexler
Gordon	Neal (MA)	Woolsey
Green (TX)	Wynn	Wynn
Grijalva		
Gutierrez		

## NAYS—214

Aderholt	Gilchrest	Paul
Akin	Gillmor	Pearce
Bachus	Gingrey	Pence
Baker	Goode	Peterson (PA)
Ballenger	Goodlatte	Petri
Barrett (SC)	Goss	Pickering
Bartlett (MD)	Graves	Pitts
Bass	Green (WI)	Platts
Beauprez	Greenwood	Pombo
Bereuter	Gutknecht	Porter
Biggett	Harris	Portman
Bilirakis	Hart	Pryce (OH)
Bishop (UT)	Hastings (WA)	Putnam
Blackburn	Hayes	Quinn
Blunt	Hayworth	Radanovich
Boehlert	Hensarling	Ramstad
Boehner	Herger	Regula
Bonner	Hobson	Rehberg
Bono	Hoekstra	Renzi
Boozman	Hostettler	Reynolds
Bradley (NH)	Houghton	Rogers (AL)
Brady (TX)	Hulshof	Rogers (KY)
Brown (SC)	Hunter	Rogers (MI)
Brown-Waite,	Hyde	Rohrabacher
Ginny	Isakson	Ros-Lehtinen
Burns	Issa	Royce
Burr	Istook	Ryan (WI)
Burton (IN)	Jenkins	Ryan (KS)
Buyer	Johnson (CT)	Saxton
Calvert	Johnson (IL)	Schrock
Camp	Jones (NC)	Sensenbrenner
Cannon	Keller	Sessions
Cantor	Kelly	Shadegg
Capito	Kennedy (MN)	Shaw
Chabot	King (IA)	Shays
Chocola	King (NY)	Sherwood
Coble	Kingston	Shimkus
Cole	Kirk	Shuster
Collins	Kline	Simmons
Cox	Knollenberg	Simpson
Crane	Kolbe	Smith (MI)
Crenshaw	LaHood	Smith (NJ)
Cubin	Latham	Smith (TX)
Culberson	LaTourette	Souder
Cunningham	Lewis (CA)	Stearns
Davis, Jo Ann	Lewis (KY)	Sullivan
Davis, Tom	LoBiondo	Sweeney
Deal (GA)	Lucas (OK)	Tancredo
DeLay	Manzullo	Tauzin
DeMint	McCotter	Taylor (NC)
Diaz-Balart, L.	McCrery	Terry
Diaz-Balart, M.	McHugh	Thomas
Doolittle	McInnis	Thornberry
Dreier	McKeon	Tiahrt
Duncan	Mica	Tiberi
Dunn	Miller (FL)	Toomey
Ehlers	Miller (MI)	Turner (OH)
Emerson	Miller, Gary	Vitter
English	Moran (KS)	Walden (OR)
Everett	Murphy	Walsh
Feeney	Musgrave	Wamp
Flake	Myrick	Weldon (FL)
Fletcher	Nethercutt	Weldon (PA)
Foley	Neugebauer	Weller
Forbes	Ney	Whitfield
Fossella	Northup	Wicker
Franks (AZ)	Norwood	Wilson (NM)
Frelinghuysen	Nunes	Wilson (SC)
Gallely	Nussle	Wolf
Garrett (NJ)	Osborne	Young (AK)
Gerlach	Ose	Young (FL)
Gibbons	Otter	

## NOT VOTING—18

Barton (TX)	Ferguson	Kleczka
Berkley	Gephardt	Linder
Berman	Granger	Millender-
Bonilla	Hefley	McDonald
Burgess	Janklow	Oxley
Carter	Jefferson	
Dooley (CA)	Johnson, Sam	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 2357

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

### MAKING IN ORDER AT ANY TIME CONSIDERATION OF H.R. 2754, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2004

Mr. HOBSON. Mr. Speaker, I ask unanimous consent that it be in order at any time for the Speaker, as though pursuant to clause 2(b) of rule XVIII, 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. 2754) making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes, which shall proceed according to the following order:

The first reading of the bill shall be dispensed with.

All points of order against consideration of the bill are waived.

General debate shall be confined to the bill and shall not exceed 1 hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

After general debate the bill shall be considered for amendment under the 5-minute rule.

The amendment I have placed at the desk shall be considered as adopted in the House and in the Committee of the Whole.

Points of order against provisions in the bill, as amended, for failure to comply with clause 2 of rule XXI are waived except for section 310.

During consideration of the bill for further amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the CONGRESSIONAL RECORD designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read.

At the conclusion of consideration of the bill for amendment, the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. 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.

And I ask unanimous consent that the amendment that I have placed at the desk be considered as read.

□ 0000

The SPEAKER pro tempore (Mr. GINGREY). The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 4, line 6, strike "*Provided further*," and all that follows through line 17 and insert the following:

*Provided further*, That funds appropriated in this Act for the preservation and restoration of the Florida Everglades shall be made available for expenditure unless (1) the Sec-

retary of the Army, not later than 30 days after the date of enactment of this Act, transmits to the State of Florida and the Committees on Appropriations of the House of Representatives and the Senate a report containing a finding and supporting materials indicating that the waters entering the A.R.M. Loxahatchee National Wildlife Refuge and Everglades National Park do not meet the water quality requirements set forth in the Consent Decree entered in United States v. South Florida Water Management District, (2) the State fails to submit a satisfactory plan to bring the waters into compliance with the water quality requirements within 45 days of the date of the report, (3) the Secretary transmits to the State and the Committees a follow-up report containing a finding that the State has not submitted such a plan, and (4) either the Committee on Appropriations of the House of Representatives or the Senate issues a written notice disapproving of further expenditure of the funds: *Provided further*, That the Secretary of the Army shall provide the State of Florida with notice and an opportunity to respond to any determination of the Secretary under the preceding proviso before the determination becomes final.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1472

Ms. HART. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1472.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1472

Mr. WELLER. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1472.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1472

Mr. PORTMAN. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1472.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

#### MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

Mr. BELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. BELL moves that the managers on the part of the House in the conference on the disagreeing votes of the two Houses on the