

LaHood	Peterson (PA)	Simmons
Latham	Petri	Simpson
LaTourette	Pickering	Smith (MI)
Lewis (CA)	Pitts	Smith (NJ)
Lewis (KY)	Platts	Smith (TX)
LoBiondo	Pombo	Souder
Lucas (OK)	Porter	Stearns
Manzullo	Portman	Sullivan
McCotter	Pryce (OH)	Sweeney
McCrery	Putnam	Tancredo
McKeon	Radanovich	Tauzin
Mica	Ramstad	Taylor (NC)
Miller (FL)	Regula	Terry
Miller (MI)	Rehberg	Thomas
Miller, Gary	Reynolds	Thornberry
Moran (KS)	Rogers (AL)	Tiaht
Murphy	Rogers (KY)	Tiberi
Musgrave	Rogers (MI)	Toomey
Myrick	Rohrabacher	Turner (OH)
Nethercutt	Royce	Upton
Neugebauer	Ryan (WI)	Vitter
Ney	Ryun (KS)	Walsh
Northup	Saxton	Wamp
Norwood	Schrock	Weldon (FL)
Nunes	Sensenbrenner	Weldon (PA)
Osborne	Sessions	Weller
Ose	Shadegg	Whitfield
Otter	Shaw	Wicker
Oxley	Shays	Wilson (SC)
Pearce	Sherwood	Wolf
Pence	Shimkus	Young (AK)
Peterson (MN)	Shuster	Young (FL)

NOT VOTING—43

Ackerman	Granger	McInnis
Baker	Gutknecht	Meehan
Berman	Hastings (FL)	Napolitano
Brown (OH)	Hinchee	Nussle
Burr	Hooley (OR)	Ortiz
Burton (IN)	Johnson (CT)	Paul
Buyer	Jones (OH)	Quinn
Cox	Kaptur	Rangel
Davis (AL)	Kilpatrick	Reyes
DeFazio	Kucinich	Ros-Lehtinen
Diaz-Balart, L.	Lewis (GA)	Towns
Doggett	Linder	Towns
Fattah	Lipinski	Walden (OR)
Fletcher	Majette	Wu
Gephardt	Matsui	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1217

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.

CONFERENCE REPORT ON H.R. 2754, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2004

Mr. HOBSON submitted the following conference report and statement on the bill (H.R. 2754) making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes:

CONFERENCE REPORT (H. REPT. 108-357)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2754) "making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2004, for energy and water development, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, shore protection, aquatic ecosystem restoration, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, aquatic ecosystem restoration, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by law, surveys and detailed studies and plans and specifications of projects prior to construction, \$116,949,000, to remain available until expended: Provided, That for the Ohio Riverfront, Cincinnati, Ohio, project, the cost of planning and design undertaken by non-Federal interests shall be credited toward the non-Federal share of project design costs: Provided further, That in conducting the Southwest Valley Flood Damage Reduction Study, Albuquerque, New Mexico, the Secretary of the Army, acting through the Chief of Engineers, shall include an evaluation of flood damage reduction measures that would otherwise be excluded from the feasibility analysis based on policies regarding the frequency of flooding, the drainage areas, and the amount of runoff: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use \$250,000 for preconstruction engineering and design of Waikiki Beach, Oahu, Hawaii, the project to be designed and evaluated, as authorized: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use \$100,000 for the continuation and completion of feasibility studies of Kihei Beach, Maui, Hawaii: Provided further, That any recommendations for a National Economic Development Plan shall be accepted notwithstanding the extent of recreation benefits supporting the project features, in view of the fact that recreation is extremely important in sustaining and increasing the economic well-being of the State of Hawaii and the nation.

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, aquatic ecosystem restoration, and related projects authorized by law; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), \$1,722,319,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund as authorized by Public Law 104-303; and of which such sums as are necessary pursuant to Public Law 99-662 shall be derived from the Inland Waterways Trust Fund, for one-half of the costs of construction and rehabilitation of inland waterways projects, including rehabilitation costs for Lock and Dam 11, Mississippi River, Iowa; Lock and Dam 19, Mississippi River, Iowa; Lock and Dam 24, Mississippi River, Illinois and Missouri; and Lock and Dam 3, Mississippi River, Minnesota: Provided, That using \$9,280,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue construction of the Dallas Floodway Extension, Texas, project, including the Cadillac Heights feature, generally in accordance with the Chief of Engineers report dated December 7, 1999: Provided further, That the Secretary of the Army is directed to accept advance funds, pursuant to section 11 of the River and Harbor Act of 1925, from the non-Federal sponsor of the Los Angeles Harbor, California, project authorized by section 101(b)(5) of Public Law 106-541: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use \$750,000 of the funds provided herein to continue construction of the Hawaii Water Management Project: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use \$2,500,000 of the funds appropriated herein to continue construction of the navigation project at Kaunapali Harbor, Hawaii: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use \$6,000,000 of the funds provided herein for the Dam Safety and Seepage/Stability Correction Program to continue construction of seepage control features and to design and construct repairs to the tainter gates at Waterbury Dam, Vermont: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed with the construction of the New York and New Jersey Harbor project, 50-foot deepening element, upon execution of the Project Cooperation Agreement: Provided further, That no funds made available under this Act or any other Act for any fiscal year may be used by the Secretary of the Army to carry out the construction of the Port Jersey element of the New York and New Jersey Harbor or reimbursement to the Local Sponsor for the construction of the Port Jersey element until commitments for construction of container handling facilities are obtained from the non-Federal sponsor for a second user along the Port Jersey element: 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 Secretary 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: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use \$17,000,000 of the funds appropriated herein to proceed with planning, engineering, design or construction of the Grundy, Buchanan County, and Dickenson County, Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: Provided further, That the Secretary of the