

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 vote 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 Tennessee (Mr. COOPER) on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 186, nays 210, not voting 38, as follows:

[Roll No. 477]

YEAS—186

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

NAYS—210

Aderholt	Barton (TX)	Blackburn
Akin	Bass	Blunt
Bachus	Beauprez	Boehler
Baker	Biggart	Boehner
Barrett (SC)	Bilirakis	Bonilla
Bartlett (MD)	Bishop (UT)	Bonner

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

NOT VOTING—38

Ackerman	Istook	Rangel
Ballenger	Janklow	Rodriguez
Brown, Corrine	John	Rogers (AL)
Clay	Kennedy (RI)	Roybal-Allard
Cummings	Kucinich	Schiff
DeGette	Larsen (WA)	Smith (TX)
Doolittle	LaTourette	Towns
Dunn	Leach	Watt
Fossella	Marshall	Waxman
Gephardt	Mollohan	Wexler
Hinchee	Murtha	Woolsey
Hooley (OR)	Myrick	Young (AK)
Issa	Pickering	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 0946

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.

Mr. KENNEDY of Rhode Island. Mr. Speaker, on September 5, 2003 I missed rollcall vote No. 476 and No. 477. Had I been here

I would have voted: "yes" on rollcall No. 476, and "yes" on rollcall No. 477.

APPOINTMENT OF CONFEREES ON H.R. 6, ENERGY POLICY ACT OF 2003

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the Chair appoints the following conferees:

From the Committee on Energy and Commerce, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. TAUZIN, BILIRAKIS, BARTON of Texas, UPTON, STEARNS, GILLMOR, SHIMKUS, DINGELL, WAXMAN, MARKEY, BOUCHER and RUSH.

From the Committee on Agriculture, for consideration of sections 30202, 30208, 30212, Title III of Division C, sections 30604, 30901 and 30903 of the House bill and sections 265, 301, 604, 941-948, 950, 1103, 1221, 1311-1313, and 2008 of the Senate amendment, and modifications committed to conference: Messrs. GOODLATTE, LUCAS of Oklahoma and STENHOLM.

From the Committee on Armed Services for consideration of sections 11005, 11010, 14001-14007, 14009-14015, 21805 and 21806 of the House bill and sections 301, 501-507, 509, 513, 809, 821, 914, 920, 1401, 1407-1409, 1411, 1801, and 1803 of the Senate amendment, and modifications committed to conference: Messrs. HUNTER, WELDON of Pennsylvania and SKELTON.

From the Committee on Education and the Workforce, for consideration of sections 11021, 12014, 14033, and 30406 of the House bill and sections 715, 774, 901, 903, 1505, and 1507 of the Senate amendment, and modifications committed to conference: Messrs. MCKEON, SAM JOHNSON of Texas and GEORGE MILLER of California.

From the Committee on Financial Services, for consideration of Division G of the House bill and sections 931-940 and 950 of the Senate amendment, and modifications committed to conference: Mr. OXLEY, Mr. NEY and Ms. WATERS.

From the Committee on Government Reform, for consideration of sections 11002, 11005, 11006, 11010, 11011, 14025, 14033, and 22002 of the House bill and sections 263, 805, 806, 914-916, 918, 920, 1406, and 1410 of the Senate amendment, and modifications committed to conference: Messrs. TOM DAVIS of Virginia, MURPHY and TIERNEY.

From the Committee on the Judiciary, for consideration of sections 12008, 12401, 14014, 14026, 14027, 14028, 14033, 16012, 16045, 16084, 30101, 30210, and 30408 of the House bill and sections 206, 209, 253, 531-532, 708, 767, 783, and 1109 of the Senate amendment, and modifications committed to conference: Messrs. SEN-SENRENNER, SMITH of Texas and CONYERS.

From the Committee on Resources, for consideration of sections 12005, 12007, 12011, 12101, 13001, 21501, 21521-21530, Division C, and section 60009 of the House bill and sections 201, 265, 272,

301, 401-407, 602-606, 609, 612, 705, 707, 712, 721, 1234, 1351-1352, 1704, and 1811 of the Senate amendment, and modifications committed to conference: Mr. POMBO, Mrs. CUBIN and Mr. RAHALL.

Provided that Mr. KIND is appointed in lieu of Mr. RAHALL for consideration of Title IV of Division C of the House bill, and modifications committed to conference.

From the Committee on Science, for consideration of sections 11009, 11025, 12301-12312, 14001-14007, 14009-14015, 14029, 15021-15024, 15031-15034, 15041, 15045, Division B, section 30301, Division E, and Division F of the House bill and sections 501-507, 509, 513-516, 770-772, 807-809, 814-816, 824, 832, 1001-1022, Title XI, Title XII, Title XIII, Title XIV, sections 1502, 1504-1505, Title XVI, and sections 1801-1805 of the Senate amendment, and modifications committed to conference: Mr. BOEHLERT, Mrs. BIGGERT and Mr. HALL.

Provided that Mr. COSTELLO is appointed in lieu of Mr. HALL for consideration of Division E of the House bill, and modifications committed to conference.

Provided that Mr. LAMPSON is appointed in lieu of Mr. HALL for consideration of section 21708 and Division F of the House bill, and sections 824 and 1223 of the Senate amendment and modifications committed to conference.

From the Committee on Transportation and Infrastructure, for consideration of sections 11001-11004, 11006, 11009-11011, 12001-12012, 12014, 12401, 12403, 13001, 13201, 13202, 15021-15024, 15031-15034, 15041, 15043, 15051, 16012, 16021, 16022, 16023, 16031, 16081, 16082, 16092, 23001-23004, 30407, 30410, and 30901 of the House bill and sections 102, 201, 205, 301, 701-783, 812, 814, 816, 823, 911-916, 918-920, 949, 1214, 1261-1262, and 1351-1352 of the Senate amendment, and modifications committed to conference: Messrs. YOUNG of Alaska, PETRI and OBERSTAR.

From the Committee on Ways and Means, for consideration of Division D of the House bill and Division H and I of the Senate amendment, and modifications committed to conference: Messrs. THOMAS, MCCRERY and RANGEL.

There was no objection.

GENERAL LEAVE

Mr. FREYLINGHUYSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2765, and that I may include tabular and extraneous material.

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

There was no objection.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore. Pursuant to the order of the House of Friday,

July 25, 2003, and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2765.

□ 0955

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2765) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes, with Mr. BASS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the order of the House of Friday, July 25, 2003, the bill is considered as having been read the first time.

The gentleman from New Jersey (Mr. FREYLINGHUYSEN) and the gentleman from Pennsylvania (Mr. FATTAH) each will control 30 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. FREYLINGHUYSEN).

Mr. FREYLINGHUYSEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the fiscal year 2004 District of Columbia Appropriations bill totals \$7.9 billion. Included in this total are \$466 million for Federal payments to various District programs and projects, which I will describe shortly; \$1.8 billion in Federal grants to District agencies; and \$5.6 billion in local funds for operating expenses and capital outlays of the District government.

This bill, Mr. Chairman, is a product of the hard work of every member of the Subcommittee on the District of Columbia. It is the culmination of several weeks of hearings, visits to local schools and other city institutions, and meetings with elected city officials and numerous others who have a keen interest in helping the District. I want to thank each of them for their interest in the District and their input into this bill. I especially want to thank the gentleman from Pennsylvania (Mr. FATTAH), my ranking member, for his advice, counsel and support. He has been a pleasure to work with.

Mr. Chairman, I believe this bill reflects Congress' commitment to helping our Nation's capital. This is where we all work and many of us live, our home away from home. So we have special reasons to help our capital city.

How grateful I am to so many of my colleagues for their ongoing efforts, prior to my chairmanship, to assist the citizens of this great city, especially its school children to have better lives, and many thanks, as well, to a number of my colleagues who now seek support for a number of new projects to further help the citizens in this budget.

When I became chairman, I wanted to get to better know this city. I did this by listening and learning, visiting chil-

dren in their schools and touring the many neighborhoods that make up the city. I want to thank Mayor Anthony Williams, Council Chairman Linda Cropp, and School Board President Peggy Cooper Cafritz for the support and advice they have given me.

The Constitution, Mr. Chairman, gives Congress exclusive legislative authority over the affairs of the District, and I take this mandate seriously. The District is in a stronger financial position today than a few years ago. Much of this is due to Mayor Williams and the city council, but we cannot overlook the role Congress has played in the financial recovery as well.

□ 1000

The District still has a long way to go to resolve many personnel and management problems, but I believe that progress is being made. I stand ready to help in any way I can.

Mr. Chairman, the committee has carefully reviewed the District's budget request and, as reflected in the bill, has given the Mayor and City Council's priorities the highest consideration when putting this bill together.

As I mentioned earlier, the bill totals \$7.9 billion of which \$466 million are Federal payments to various programs and projects. This is \$43 million below last year's allocation and equates to an 8.4 percent reduction.

Seventy-seven percent of these funds, or \$359 million, is to continue funding of the D.C. courts, the Public Defender Service, the Court Services and Offender Supervision Agency, CSSOSA. These are District functions that the Federal Government assumed financial responsibility for in the National Capital Revitalization and Self-government Improvement Act of 1997.

The remaining 23 percent, or \$107 million, are for programs and projects that directly benefit the District. These include: \$17 million for the tuition assistance program for the District for college-bound District students; \$15 million to reimburse the District for added emergency planning and security costs related to the presence of the Federal Government in the District; \$10 million for a D.C. scholarship program; \$42.7 million for capital development projects in the District; dollars for the Anacostia Waterfront Initiative; and dollars for public school facility improvements.

Lastly, Mr. Chairman, I am well aware that the President's request for a school choice program in the District of Columbia, which would provide D.C. school scholarships, has stirred up considerable controversy. Personally, I have supported such scholarships for the District since they were first proposed in 1995 by Members of Congress.

There is excitement that surrounds the very successful charter movement in this city. There are 37 charter schools and 11 more on the drawing boards, more than any other city in the Nation. We have charter schools in this city.