

done with the spirit of anything except trying to do something for the American people because this is an opportunity that we have today to start working on a very positive idea.

There is no reason for us to put this off. If we put this on this legislation today, this idea will move forward, and a lot of work will be done on this, and we will move toward this goal.

If this amendment fails, what we have done is condemn the American people to tens of billions of dollars of expense that could have been taken up by foreign manufacturers who are importing their goods into our ports and putting their goods onto our market and undercutting our domestic manufacturers.

Earlier the gentleman from Alaska (Chairman YOUNG) suggested that perhaps the ports already have this authority, thus this amendment is redundant. Let me say if that is the analysis, why not pass it then? There is no reason then, if the ports already have this authority, why are we so hesitant about passing this? The reason we are so hesitant is that there are powerful interests at play. We should be interested in what is the effect on the American people.

We face, in these next 12 months, a horrendous, an astronomic expense in our ports, making them safe, making them more secure and more efficient. We should start working right now, and this is how we can do it, finding a new revenue source, a source for manufacturers overseas that will help us accomplish this mission. OMB will go along. The ports will go along. The American people will applaud us if we provide the leadership today, and that is what I am suggesting.

I would ask my colleagues who are listening to this debate to join me, siding with the American people, the American manufacturer and let us not tax billions of dollars from them when we could have a fee paid by foreign manufacturers that would provide us the revenues necessary to make our ports secure and to upgrade their infrastructure.

Mr. Chairman, I appreciate the good work that those people who have worked on this legislation have done, and I intend to support this one way or the other.

Mr. OSE. Mr. Chairman, today, I rise to discuss Mr. ROHRABACHER's Amendment (No. 1) to the Water Resources Development Act of 2003 (H.R. 2557). This amendment is well intended since it seeks to find a way to provide additional funds for needed port security improvements. It permits seaports to impose fees to be collected on a per container basis to be used for port security.

On May 21, 2003, after holding a hearing on port security, with my Government Reform Subcommittee Ranking Member JOHN TIERNEY, I introduced a bi-partisan bill, entitled the "Port Security Improvements Act of 2003" (H.R. 2193). Our bill takes a different approach. To date, Congress has provided extensive Federal funding to fully ensure air security. In contrast, Congress has not provided

sufficient Federal funding to fully ensure port security. Currently, the U.S. Customs Bureau collects \$15.6 billion in duties on commodities entering the U.S. through marine transportation. Our bill dedicates a portion of these duties for five years toward port security enhancements. In addition, our bill reflects other recommendations from our witnesses. It sets deadlines for issuance of regulations governing transportation security cards, and requires regulations that include a national minimum set of standard security requirements for ports, facilities, and vessels.

Since America's ports are crucial to our economic well being, it is essential that we find the right balance between increasing port security while not impeding the flow of commerce and trade. As a Republican, I am sensitive to the costs of excessive government regulation. But, in a post-September 11 world, I realize that we must take additional precautions to protect our fellow citizens and our economy. We need to make sure that our ports are safe. I am not convinced that they are safe today.

H.R. 2193 currently has 31 co-sponsors. This summer, both the American Association of Port Authorities (AAPA) and I requested that Transportation and Infrastructure Subcommittee Chairman FRANK LOBIONDO hold a hearing on this bill. Today, I ask for additional co-sponsors for H.R. 2193 and for Chairman LOBIONDO to schedule the requested hearing.

Mr. ROHRABACHER. Mr. Chairman, I yield back the balance of my time.

Mr. DUNCAN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HEFLEY) having assumed the chair, Mr. HASTINGS of Washington, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2557) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, had come to no resolution thereon.

MAKING IN ORDER CONSIDERATION OF KIND AMENDMENT DURING FURTHER CONSIDERATION OF H.R. 2557, WATER RESOURCES DEVELOPMENT ACT OF 2003

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that the Kind amendment be made in order immediately after the disposition of the Rohrabacher amendment.

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

There was no objection.

WATER RESOURCES DEVELOPMENT ACT OF 2003

The SPEAKER pro tempore. Pursuant to House Resolution 375 and rule XVIII, the Chair declares the House in

the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2557.

□ 1738

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 further consideration of the bill (H.R. 2557) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, with Mr. HASTINGS (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, amendment No. 3 printed in House Report 108-282 offered by the gentleman from California (Mr. ROHRABACHER) had been debated.

The question is on the amendment offered by the gentleman from California (Mr. ROHRABACHER).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. ROHRABACHER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 65, noes 359, not voting 10, as follows:

[Roll No. 518]

AYES—65

Abercrombie	Holden	Pence
Akin	Hostettler	Petri
Bartlett (MD)	Hunter	Pitts
Barton (TX)	Johnson (CT)	Pombo
Burr	Johnson, Sam	Radanovich
Burton (IN)	Jones (NC)	Renzi
DeFazio	Jones (OH)	Rohrabacher
DeLauro	Kanjorski	Royce
Doolittle	Kaptur	Ryan (WI)
Emerson	Kennedy (RI)	Sabo
Farr	Kilpatrick	Sanders
Foley	King (IA)	Sensenbrenner
Franks (AZ)	Kucinich	Shays
Gingrey	Langevin	Sherman
Green (WI)	Lantos	Slaughter
Gutknecht	Larson (CT)	Smith (MI)
Hall	McNulty	Stark
Hart	Musgrave	Tancredo
Hastings (FL)	Nadler	Taylor (MS)
Hayworth	Neugebauer	Taylor (NC)
Hefley	Olver	Wamp
Hobson	Otter	

NOES—359

Ackerman	Bishop (GA)	Burns
Aderholt	Bishop (NY)	Buyer
Alexander	Blackburn	Calvert
Allen	Blumenauer	Camp
Andrews	Blunt	Cannon
Baca	Boehlert	Cantor
Bachus	Boehner	Capito
Baird	Bonilla	Capps
Baker	Bonner	Capuano
Baldwin	Bono	Cardin
Ballance	Boozman	Cardoza
Ballenger	Boswell	Carson (IN)
Barrett (SC)	Boucher	Carson (OK)
Bass	Boyd	Carter
Beauprez	Bradley (NH)	Case
Becerra	Brady (PA)	Castle
Bell	Brady (TX)	Chabot
Bereuter	Brown (OH)	Chocola
Berkley	Brown (SC)	Clay
Berman	Brown, Corrine	Clyburn
Berry	Brown-Waite,	Coble
Biggert	Ginny	Cole
Bilirakis	Burgess	Collins

Cooper  
Costello  
Cox  
Cramer  
Crane  
Crenshaw  
Crowley  
Cubin  
Culberson  
Cummings  
Cunningham  
Davis (AL)  
Davis (CA)  
Davis (FL)  
Davis (IL)  
Davis (TN)  
Davis, Jo Ann  
Davis, Tom  
Deal (GA)  
DeGette  
Delahunt  
DeLay  
DeMint  
Deutsch  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Dingell  
Doggett  
Dooley (CA)  
Doyle  
Dreier  
Duncan  
Dunn  
Edwards  
Ehlers  
Emanuel  
Engel  
English  
Eshoo  
Etheridge  
Evans  
Everett  
Fattah  
Feeney  
Ferguson  
Filner  
Flake  
Fletcher  
Forbes  
Ford  
Fossella  
Frank (MA)  
Frelinghuysen  
Frost  
Galleghy  
Garrett (NJ)  
Gerlach  
Gibbons  
Gilchrest  
Gillmor  
Gonzalez  
Goode  
Goodlatte  
Gordon  
Goss  
Granger  
Graves  
Green (TX)  
Greenwood  
Grijalva  
Gutierrez  
Harman  
Harris  
Hastings (WA)  
Hayes  
Hensarling  
Herger  
Hill  
Hinchey  
Hinojosa  
Hoeffel  
Hoekstra  
Holt  
Honda  
Hooley (OR)  
Houghton  
Hoyer  
Hulshof  
Hyde  
Inlee  
Isakson  
Israel  
Issa  
Istook  
Jackson (IL)  
Jackson-Lee  
(TX)

Janklow  
Jefferson  
Jenkins  
John  
Johnson (IL)  
Johnson, E. B.  
Keller  
Kelly  
Kennedy (MN)  
Kildee  
Kind  
King (NY)  
Kingston  
Kirk  
Klecza  
Kline  
Knollenberg  
Kolbe  
LaHood  
Lampson  
Larsen (WA)  
Latham  
LaTourette  
Leach  
Lee  
Levin  
Lewis (CA)  
Lewis (KY)  
Linder  
Lipinski  
LoBiondo  
Lofgren  
Lowey  
Lucas (KY)  
Lucas (OK)  
Lynch  
Majette  
Maloney  
Manzullo  
Markey  
Marshall  
Matheson  
Matsui  
McCarthy (MO)  
McCarthy (NY)  
McCollum  
McCotter  
McCrery  
McDermott  
McGovern  
McHugh  
McInnis  
McIntyre  
McKeon  
Meehan  
Meek (FL)  
Meeks (NY)  
Menendez  
Mica  
Michaud  
Millender-  
Gonzalez  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Mollohan  
Moore  
Moran (KS)  
Moran (VA)  
Murphy  
Murtha  
Myrick  
Napolitano  
Neal (MA)  
Nethercutt  
Ney  
Northup  
Norwood  
Nunes  
Nussle  
Oberstar  
Obey  
Ortiz  
Ose  
Owens  
Oxley  
Pallone  
Pascrell  
Paul  
Payne  
Pearce  
Pelosi  
Peterson (MN)  
Peterson (PA)  
Pickering  
Platts

Pomeroy  
Porter  
Portman  
Price (NC)  
Pryce (OH)  
Putnam  
Quinn  
Rahall  
Ramstad  
Rangel  
Regula  
Rehberg  
Reynolds  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Ros-Lehtinen  
Ross  
Rothman  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Ryun (KS)  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sandlin  
Saxton  
Schakowsky  
Schiff  
Schrock  
Scott (GA)  
Scott (VA)  
Serrano  
Sessions  
Shadegg  
Shaw  
Sherwood  
Shimkus  
Shuster  
Simmons  
Simpson  
Skelton  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Solis  
Souder  
Spratt  
Stearns  
Stenholm  
Strickland  
Stupak  
Sullivan  
Sweeney  
Tanner  
Tauscher  
Tauzin  
Terry  
Thomas  
Thompson (CA)  
Thompson (MS)  
Thornberry  
Tiahrt  
Tiberi  
Tierney  
Toomey  
Townes  
Turner (OH)  
Turner (TX)  
Udall (CO)  
Udall (NM)  
Upton  
Van Hollen  
Velazquez  
Visclosky  
Vitter  
Walden (OR)  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Weldon (FL)  
Weldon (PA)  
Wexler  
Whitfield  
Wicker  
Wilson (NM)  
Wilson (SC)  
Wolf  
Woolsey  
Wu  
Wynn  
Young (AK)  
Young (FL)

## NOT VOTING—10

Bishop (UT)  
Conyers  
Gephardt  
Lewis (GA)

Osborne  
Pastor  
Reyes  
Rodriguez

Walsh  
Weller

## ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1802

Mrs. JO ANN DAVIS of Virginia, Mr. MILLER of North Carolina, and Mr. SCHIFF changed their vote from "aye" to "no."

Messrs. GREEN of Wisconsin, McNULTY, Ryan of Wisconsin, JONES of North Carolina, OLIVER, NEUGEBAUER, HOLDEN and BURR, Mrs. JONES of Ohio, Ms. HART, and Ms. DELAURO changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. WELLER. Mr. Chairman, on rollcall No. 518 I was unavoidably detained. Had I been present, I would have voted "no."

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). Pursuant to the order of the House of today, it is now in order to consider amendment No. 2 printed in House Report 108-282.

## AMENDMENT NO. 2 OFFERED BY MR. KIND

Mr. KIND. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. KIND:

Page 56, strike lines 8 through 22 and insert the following:

"(3) COMPLETION OF MITIGATION.—To ensure concurrent mitigation, the Secretary shall implement at least 50 percent of required mitigation before beginning project construction and shall implement the remainder of required mitigation as expeditiously as practical, but not later than—

"(A) the last day of construction of the project or separable element of the project; or

"(B) in those instances in which it is not technically practicable to complete mitigation concurrent with the last day of project construction because of the nature of the mitigation to be undertaken, as expeditiously as practicable, but in no case later than the last day of the first fiscal year beginning after the last day of construction of the project or separable element of the project."

(b) FULL MITIGATION PLAN CONTENTS.—Section 906(d) of such Act (33 U.S.C. 2283(d)) is amended—

(1) in the first sentence of paragraph (1)(A)—

(A) by inserting after "Congress" the following: ", and shall not choose a project alternative in any final record of decision, environmental impact statement, or environmental assessment,";

(B) by striking "a recommendation with"; and

(C) by inserting "fully" before "mitigate"; and

(2) by adding at the end the following:

"(3) STANDARDS FOR MITIGATION.—

"(A) IN GENERAL.—To fully mitigate fish and wildlife impacts, the Secretary shall develop and implement mitigation plans under paragraph (1) that will—

"(i) acquire and restore at least one acre of superior or equivalent habitat of the same type to replace each acre of habitat negatively affected by the project; and

"(ii) implement additional activities necessary to ensure that mitigation will result in replacement of all functions of the habitat negatively affected by the project, including spatial distribution and natural hydrologic and ecological characteristics.

"(B) PROBABILITY OF SUCCESS.—A mitigation plan submitted by the Secretary under paragraph (1) shall have a high probability of successfully mitigating the adverse impacts of the project on aquatic and other resources, hydrologic functions, and fish and wildlife.

"(4) MITIGATION PLAN CONTENTS.—A mitigation plan shall include—"

Page 57, line 15, strike "any necessary".

Page 57, line 20, strike "(4)" and insert "(5)".

The CHAIRMAN pro tempore. Pursuant to House Resolution 375, the gentleman from Wisconsin (Mr. KIND) and the gentleman from Tennessee (Mr. DUNCAN) each will control 10 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. KIND).

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

Let me thank my friend, the gentleman from Tennessee (Mr. DUNCAN), for the courtesy and consideration that he is showing in allowing this brief discussion.

It is my intent that after a brief debate on this amendment I will ask unanimous consent to withdraw and we will go to final passage at this time.

Mr. Chairman, let me first of all commend the work that the Committee on Transportation and Infrastructure has done on this important piece of legislation. I think it is a good bill. It is a bill that can be made better. I think there has been important progress in a variety of areas, especially the provisions relating to the Corps of Engineers reform.

Mr. Chairman, I believe that the inclusion of these critical Corps reform measures demonstrate a critical recognition that reforms are necessary in how the Corps of Engineers conducts their projects throughout the country and accomplish many of the goals that I set forth nearly 4 years ago when I introduced the Army Corps of Engineer Reform Act of 2000.

These efforts are an important first step towards assuring that the Corps properly plans, constructs, and operates projects and provides Congress with accurate information.

My amendment, Mr. Chairman, briefly would build on the committee's efforts to improve the Corps record on mitigation of civil works projects. The committee took an important step in requiring the Corps to include critical information in its mitigation plans. Unfortunately, I do not think it goes quite far enough.

I am hoping that we can keep an open mind as the Senate begins their work on WRDA and as we enter the

conference committee that perhaps some more improvements can be made with the Corps reforms that are recommended in this base bill.

The Corps track record on mitigation certainly needs improvement. In May 2002, the General Accounting Office reported that the Corps had proposed no mitigation for almost 70 percent of its projects. In addition, despite the existing requirement that the Corps carry out its mitigation concurrently with project construction, the GAO also reported that the Corps has not done so for over 80 percent of the projects where mitigation is supposed to occur.

Mr. Chairman, failure to properly mitigate has real implications for the Nation's health and economic well-being. For example, when wetlands losses are not mitigated, water quality is harmed, water supplies are strained, flood damage increases, and wildlife is harmed. Wetlands filter pollutants from water, absorb and slow the release of storm runoff, recharge aquifers, provide crucial wildlife habitat for millions of migrating waterfowl, shore birds, and other species and provide recreation and enjoyment to millions of Americans who visit wetlands areas throughout the year. We must correct this situation and quickly.

My amendment to section 2030 would do so by requiring the Corps to first fully mitigate habitat loss from the construction of Corps projects by replacing at a minimum each acre of damaged habitat with an equivalent or superior acre of habitat.

Second, complete at least 50 percent of mitigation before construction begins with the remainder to be completed when the project construction is complete wherever it is physically possible.

Third, to prepare detailed mitigation plans that have a high likelihood of successfully replacing loss values and that require monitoring to ensure success.

I wish to emphasize that these recommendations are not mine alone but are also those from a panel of experts of the National Academies of Research Council. Speaking to the specific issue of compensating for wetland loss, the NRC's Water Science and Technology Board recommended, "Restoration and creation of wetlands should occur simultaneously or before the filling of the natural wetland and according to established design criteria that are better monitored and enforced."

Again, I would reiterate that hopefully we can keep an open mind as we move forward with the work of the Senate and begin work on the conference report whenever that might occur so we can improve upon, I think, significant improvements that have been made in the area of Corps reform and perhaps produce a better bill at the end of the day for the protection of wetlands and habitats throughout our country.

Mr. Chairman, I reserve the balance of my time.

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

(Mr. DUNCAN asked and was given permission to revise and extend his remarks.)

Mr. DUNCAN. Mr. Chairman, I understand the gentleman is going to withdraw his amendment, so just let me very briefly and quickly say that many groups and Members started out far apart on different issues involved in this legislation, but we came together in the spirit of bipartisanship and arrived at a bill that all the members of the Committee on Transportation and Infrastructure supported, that the leadership on both sides support. We had groups like the Chamber of Commerce, the Farm Bureau, all the environmental groups. And the environmental groups and the business groups came together to endorse this bill. It is almost unprecedented. So we came up with the most environmentally friendly bill that has ever been produced, I think, in a Water Resources Development Act. So I think it is a bill that can be supported proudly by Members on all sides.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. DUNCAN. I will gladly yield to the gentleman from Minnesota, the ranking member of the committee.

Mr. OBERSTAR. Mr. Chairman, I thank the chairman for his statement about the diligent work of the committee and in addressing the resource issues in a very comprehensive manner. Of course, there is always more that can be done, but we have created a platform and a structure within which this program can be improved.

The reference of the gentleman from Wisconsin to concurrency of mitigation efforts with construction is a matter that the former Member from Minnesota, Congressman Quee, Republican from southeastern Minnesota, and I crafted into a water resources bill in 1977, but it has taken years to get the corps to actually carry out that responsibility. So it is evidence that we need to proceed further.

But the discussion of the gentleman from Wisconsin sets the stage and lays the groundwork for this committee to continue to address this matter in future legislation and future form.

Mr. DUNCAN. Mr. Chairman, I yield back the balance of my time.

Mr. KIND. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman's courtesy in yielding me this time, and given the lateness of the hour, I will be brief. But I think what we are doing here this afternoon is a metaphor for why we have the problem that we have and why we need to consider something like the gentleman's amendment.

There is never a good time to deal with mitigation, yet there are people in this Chamber who represent tens of thousands of Americans who are worse off today because of the hurricane

flooding, because over the last 200 years we have filled over one-half of our country's wetlands. This is nature's sponge. This buffers storm surges. This slows the release of flood water. And despite the good intentions, we never quite get there.

The gentleman has pointed out that 70 percent of the corps' projects have exactly zero mitigation, and very little follow-up occurs to make sure that the mitigation that is established actually happens. I appreciate what our subcommittee Chair has said, the ranking member, and the spirit with which this has been offered; but I hope that Members of this Chamber who have constituents that are flooded out tonight or that are going to have constituents that will be flooded in 6 months or a year, who are going to be dealing with massive supplemental budgets to deal with the problems of how we have not properly dealt with water resources, will remember this time, and we will come forward where we are dealing realistically with mitigation and give the American public the type of protection they need and the environment the consideration that it deserves.

Mr. KIND. Mr. Chairman, I yield myself such time as I may consume, and again I want to thank my friend from Tennessee for the courtesy he has shown and my colleagues for their patience.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN pro tempore. Without objection, the amendment is withdrawn.

There was no objection.

The CHAIRMAN pro tempore. There being no further amendments, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the committee rises.

□ 1815

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. OSE) having assumed the chair, Mr. HASTINGS of Washington, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2557) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, pursuant to House Resolution 375, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute

adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. DUNCAN

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that the further amendment I have placed at the desk be considered as adopted.

The Clerk read as follows:

Amendment offered by Mr. DUNCAN:

On page 121, line 5, strike the sentence that begins with "In carrying out" and all that follows through line 6.

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

Mr. OBERSTAR. Mr. Speaker, reserving the right to object, I reserve the right to object for the purpose of establishing the concurrence of the gentleman from Tennessee (Mr. DUNCAN) that the unanimous consent request to strike the language referred to in the gentleman's amendment does not create legislative history on the subject and is not indicative of legislative intent; and, further, any prior or subsequent discussion of this provision does not constitute legislative intent.

Mr. DUNCAN. Mr. Speaker, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Tennessee.

Mr. DUNCAN. Mr. Speaker, I agree with the statement by the ranking member, the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, I withdraw my reservation.

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

There was no objection. Accordingly, the further amendment was adopted.

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.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DUNCAN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 412, noes 8, not voting 14, as follows:

[Roll No. 519]

AYES—412

Abercrombie	Ballerger	Biggart
Ackerman	Barrett (SC)	Bilirakis
Aderholt	Bartlett (MD)	Bishop (GA)
Akin	Barton (TX)	Bishop (NY)
Alexander	Bass	Blackburn
Allen	Beauprez	Blumenauer
Baca	Becerra	Blunt
Bachus	Bell	Boehlert
Baird	Bereuter	Boehner
Baker	Berkley	Bonilla
Baldwin	Berman	Bonner
Ballance	Berry	Bono

Boozman	Gerlach	Maloney
Boswell	Gilchrest	Manzullo
Boucher	Gillmor	Markey
Boyd	Gingrey	Marshall
Bradley (NH)	Sandalez	Matheson
Brady (PA)	Goode	Matsui
Brady (TX)	Goodlatte	McCarthy (MO)
Brown (OH)	Gordon	McCarthy (NY)
Brown (SC)	Goss	McCollum
Brown, Corrine	Granger	McCotter
Brown-Waite,	Graves	McCrery
Ginny	Green (TX)	McDermott
Burgess	Green (WI)	McGovern
Burns	Greenwood	McHugh
Burton (IN)	Grijalva	McInnis
Buyer	Gutierrez	McIntyre
Calvert	Gutknecht	McKeon
Camp	Hall	McNulty
Cannon	Harman	Meehan
Cantor	Hart	Meek (FL)
Capito	Hastings (FL)	Meeks (NY)
Capps	Hastings (WA)	Menendez
Capuano	Hayes	Mica
Cardin	Hayworth	Michaud
Cardoza	Hefley	Millender-
Carson (IN)	Hensarling	McDonald
Carson (OK)	Herger	Miller (FL)
Carter	Hill	Miller (MI)
Case	Hinchee	Miller (NC)
Castle	Hinojosa	Miller, Gary
Chabot	Hobson	Miller, George
Chocola	Hoeffel	Mollohan
Clay	Hoekstra	Moore
Clyburn	Holden	Moran (KS)
Coble	Holt	Moran (VA)
Cole	Honda	Murphy
Collins	Hooley (OR)	Musgrave
Conyers	Houghton	Myrick
Cooper	Hoyer	Nadler
Costello	Hulshof	Napolitano
Cox	Hunter	Neal (MA)
Cramer	Hyde	Nethercutt
Crane	Inslee	Neugebauer
Crenshaw	Isakson	Ney
Crowley	Israel	Northrup
Cubin	Issa	Norwood
Culberson	Istook	Nunes
Cummings	Jackson (IL)	Nussle
Cunningham	Jackson-Lee	Oberstar
Davis (AL)	(TX)	Obey
Davis (CA)	Janklow	Olver
Davis (IL)	Jefferson	Ortiz
Davis (TN)	Jenkins	Ose
Davis, Jo Ann	John	Otter
Davis, Tom	Johnson (CT)	Owens
Deal (GA)	Johnson (IL)	Oxley
DeFazio	Johnson, E. B.	Pallone
DeGette	Johnson, Sam	Pascrell
Delahunt	Jones (NC)	Payne
DeLauro	Jones (OH)	Pearce
DeLay	Kanjorski	Pelosi
DeMint	Kaptur	Pence
Deutsch	Keller	Peterson (MN)
Diaz-Balart, L.	Kelly	Peterson (PA)
Diaz-Balart, M.	Kennedy (MN)	Petri
Dicks	Kennedy (RI)	Pickering
Dingell	Kildee	Pitts
Doggett	Kilpatrick	Platts
Dooley (CA)	Kind	Pombo
Doollittle	King (IA)	Pomeroy
Doyle	King (NY)	Porter
Dreier	Kingston	Portman
Duncan	Kirk	Price (NC)
Dunn	Klecza	Pryce (OH)
Edwards	Kline	Putnam
Ehlers	Kolbe	Quinn
Emanuel	Kucinich	Radanovich
Emerson	LaHood	Rahall
Engel	Lampson	Ramstad
English	Langevin	Rangel
Eshoo	Lantos	Regula
Etheridge	Larsen (WA)	Rehberg
Evans	Larson (CT)	Renzi
Everett	Latham	Reynolds
Farr	LaTourrette	Rogers (AL)
Feeney	Leach	Rogers (KY)
Ferguson	Lee	Rogers (MI)
Filner	Levin	Rohrabacher
Fletcher	Lewis (CA)	Ros-Lehtinen
Foley	Lewis (KY)	Ross
Forbes	Linder	Rothman
Ford	Lipinski	Roybal-Allard
Fossella	LoBiondo	Royce
Frank (MA)	Lofgren	Ruppersberger
Frelkinghuysen	Lowey	Rush
Frelinghuysen	Lucas (KY)	Ryan (OH)
Frost	Lucas (OK)	Ryan (WI)
Gallegly	Lynch	Ryun (KS)
Garrett (NJ)	Majette	Sabo

Sanchez, Linda	Solis	Upton
T.	Souder	Van Hollen
Sanchez, Loretta	Spratt	Velazquez
Sanders	Stark	Visclosky
Sandlin	Stenholm	Vitter
Saxton	Strickland	Walden (OR)
Schakowsky	Stupak	Walsh
Schiff	Sullivan	Wamp
Schrock	Sweeney	Waters
Scott (GA)	Tanner	Watson
Scott (VA)	Tauscher	Watt
Serrano	Tauzin	Waxman
Sessions	Taylor (MS)	Weiner
Shaw	Taylor (NC)	Weldon (FL)
Shays	Terry	Weldon (PA)
Sherman	Thomas	Weller
Sherwood	Thompson (CA)	Wexler
Shimkus	Thompson (MS)	Whitfield
Shuster	Thornberry	Wicker
Simmons	Tiahrt	Wilson (NM)
Simpson	Tiberi	Wilson (SC)
Skelton	Tierney	Wolf
Slaughter	Toomey	Woolsey
Smith (MI)	Towns	Wu
Smith (NJ)	Turner (OH)	Wynn
Smith (TX)	Turner (TX)	Young (AK)
Smith (WA)	Udall (CO)	Young (FL)
Snyder	Udall (NM)	

NOES—8

Andrews	Hostettler	Shadegg
Flake	Paul	Stearns
Franks (AZ)	Sensenbrenner	

NOT VOTING—14

Bishop (UT)	Harris	Pastor
Davis (FL)	Knollenberg	Reyes
Fattah	Lewis (GA)	Rodriguez
Gephardt	Murtha	Tancredo
Gibbons	Osborne	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1834

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GIBBONS. Mr. Speaker, on rollcall No. 519 I was inadvertently detained. Had I been present, I would have voted "aye."

GENERAL LEAVE

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill, H.R. 2557.

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

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with an amendment a bill of the House of the following title:

H.R. 2660. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

The message also announced that the Senate insist upon its amendment to the bill (H.R. 2660) "An Act making appropriations for the Department of