



Legislative Bulletin.....October 15, 2003

Rolled Votes:

- Capps Motion to Instruct Conferees on H.R. 6** - Energy Policy Act of 2003
- Crowley Motion to Instruct Conferees on H.R. 1308** - All-American Tax Relief Act of 2003
- Schakowsky Motion to Instruct Conferees on H.R.1** - Medicare Prescription Drug and Modernization Act of 2003

Capps Motion to Instruct Conferees on H.R. 6—Energy Policy Act of 2003

Order of Business: On Wednesday, October 8th, 2003, Rep. Lois Capps (D-CA) offered a motion to instruct conferees on H.R. 6, the Energy Policy Act of 2003.

Summary of Motion: The motion directs the House conferees to:

- Include in the conference report the provisions of the House bill related to consistency determinations under the Coastal Zone Management Act. These provisions establish time frames that the Secretary of Commerce must follow when acting on an appeal of a consistency determination (addresses the effects of a direct federal activity on enforceable policies of the state); and
- To confine themselves to matters committed to conference with regard to any offshore preleasing, leasing, or development moratorium. This would have the effect of preventing a provision from being included in the conference report that would require the Secretary of the Interior to inventory oil and gas resources in the Outer Continental Shelf. An amendment striking such a provision, which was included in the introduced House bill, passed the House on April 11, 2003, by voice vote.

Cost to Taxpayers: Any motion to instruct conferees is non-binding and thus would have no effect on the cost of the underlying legislation.

Staff Contact: Lisa Bos, lisa.bos@mail.house.gov, (202) 226-1630

Crowley Motion to Instruct Conferees on H.R. 1308—the All-American Tax Relief Act

Order of Business: On Tuesday, October 8, 2003, Rep. Joseph Crowley (D-NY) offered a motion to instruct conferees on H.R. 1308—the All-American Tax Relief Act. Although the

“no” votes prevailed on voice vote, Rep. Crowley asked for a recorded vote, which was postponed until today, October 15th.

Text of Motion: The text of the Crowley motion is identical to the Democrat motions offered on this legislation over the last few months, as follows:

1. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment, not included in the House amendment, that provides immediate payments to taxpayers receiving additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003.
2. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment, not included in the House amendment, that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone.
3. The House conferees shall be instructed to include in the conference report all of the other provisions of the Senate amendment and shall not report back a conference report that includes additional tax benefits not offset by other provisions.
4. To the maximum extent possible within the scope of the conference, the House conferees shall be instructed to include in the conference report other tax benefits for military personnel and the families of astronauts who died in the *Columbia* disaster.
5. The House conferees shall, as soon as practicable after the adoption of this motion, meet in open session with the Senate conferees, and the House conferees shall file a conference report consistent with the preceding provisions of this instruction, not later than the second legislative day after adoption of this motion.

Additional Background: Substantively identical Democrat motions to instruct failed on numerous occasions recently:

DeLauro Motion, July 16th: 206-220

<http://clerkweb.house.gov/cgi-bin/vote.exe?year=2003&rollnumber=370>

Michaud Motion, July 17th: 202-214

<http://clerkweb.house.gov/cgi-bin/vote.exe?year=2003&rollnumber=390>

Bell Motion, July 18th: 188-201

<http://clerkweb.house.gov/cgi-bin/vote.exe?year=2003&rollnumber=396>

Van Hollen Motion, July 21st: 193-212

<http://clerkweb.house.gov/cgi-bin/vote.exe?year=2003&rollnumber=398>

Ross Motion, July 25th: 202-214

<http://clerkweb.house.gov/cgi-bin/vote.exe?year=2003&rollnumber=446>

Bishop (NY) Motion, July 25th: 206-216

<http://clerkweb.house.gov/cgi-bin/vote.exe?year=2003&rollnumber=447>

Solis Motion, July 25th: 202-221

<http://clerkweb.house.gov/cgi-bin/vote.exe?year=2003&rollnumber=449>

Cooper Motion, September 5th: 186-210

<http://clerkweb.house.gov/cgi-bin/vote.exe?year=2003&rollnumber=477>

Ruppersberger Motion, September 10th: 206-213

<http://clerkweb.house.gov/cgi-bin/vote.exe?year=2003&rollnumber=493>

Davis (TN) Motion, September 10th: 195-214

<http://clerkweb.house.gov/cgi-bin/vote.exe?year=2003&rollnumber=501>

Ryan (OH) Motion, September 23rd: 199-214

<http://clerkweb.house.gov/cgi-bin/vote.exe?year=2003&rollnumber=509>

Pallone Motion, September 30th: 202-207

<http://clerkweb.house.gov/cgi-bin/vote.exe?year=2003&rollnumber=525>

Davis (AL) Motion, October 1st: 207-219

<http://clerkweb.house.gov/cgi-bin/vote.exe?year=2003&rollnumber=529>

To view the RSC Legislative Bulletin on H.R. 1308, as it was considered in the House, visit this webpage: <http://www.house.gov/burton/RSC/LB61203A.pdf>

Cost to Taxpayers: Any motion to instruct conferees is non-binding and thus would have no effect on the cost of the underlying legislation.

RSC Staff Contact: Paul S. Teller, paul.teller@mail.house.gov, (202) 226-9718

Schakowsky Motion to Instruct Conferees on H.R. 1—Medicare Prescription Drug Modernization Act of 2003

Order of Business: On Tuesday, October 1st, 2003, Rep. Jan Schakowsky (D-IL) announced her intention to offer a motion to instruct conferees on H.R. 1, the Medicare Prescription Drug Modernization Act of 2003.

A similar motion offered by Representative Tim Bishop (D-NY) failed on October 7 by a vote of 181-214 <http://clerkweb.house.gov/cgi-bin/vote.exe?year=2003&rollnumber=533n>.

Summary of Motion: The motion directs the House conferees to reject division B of the House bill. Division B is the section of the bill that includes Health Savings Accounts (HSAs) and Health Savings Security Accounts (HSSAs).

The HSA and HSSA language was added to the House Medicare bill through the passage of H.R. 2596, which passed the House 237-191. For more information on HSAs and HSSAs, click the following link - <http://www.house.gov/burton/RSC/LB62603.pdf>.

Cost to Taxpayers: Any motion to instruct conferees is non-binding and thus would have no effect on the cost of the underlying legislation.

Staff Contact: Lisa Bos, lisa.bos@mail.house.gov, (202) 226-1630