REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5025, TRANSPORTATION, TREASURY, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2005

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 108–686) on the resolution (H. Res. 770) providing for consideration of the bill (H.R. 5025) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2005, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PROVIDING FOR CONSIDERATION OF H.R. 5025, TRANSPORTATION, TREASURY, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2005

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 770 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 770

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5025) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2005, and for other purposes. 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 one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. During consideration of the bill for 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 to the House with such 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.

The SPEAKER pro tempore (Mr. SIMPSON). The question is, Will the House now consider House Resolution 770.

The question was taken; and (two thirds having voted in favor thereof) the House agreed to consider House Resolution 770.

The SPEAKER pro tempore. The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

Mr. REYNOLDS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

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

Mr. REYNOLDS. Mr. Speaker, House Resolution 770 is an open rule that provides for consideration of H.R. 5025, the Departments of Transportation, Treasury, and Independent Agencies Appropriations Act for fiscal year ending September 30, 2005. The rule waives all points of order against consideration of the bill.

The rule also provides for 1 hour of general debate to be equally divided between the chairman and ranking minority member of the Committee on Appropriations. The rule provides that the bill shall be considered for amendment by paragraph. Further, the rule authorizes the Chair to accord priority in recognition to Members who have pre-printed their amendments in the CONGRESSIONAL RECORD. And, finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, the Committee on Appropriations had an extremely difficult task this year in funding the many needs of our Nation. They answered the call by diligently working to produce a bill that deals with our needs in a whole host of areas, including the Department of Transportation, the Department of the Treasury, along with the Postal Service and the Executive Office of the President.

In total the bill provides $89.8 in total budgetary resources. This funding represents the commitment of this Congress to provide the necessary resources for programs and projects across the Nation. The bill provides close to $35 billion in highway spending, a boost of $1 billion over last year's guarantee. This amount fully funds the House-passed authorization level and will go a long ways towards constructing and improving highways and roads in our communities.

Transit spending of over $7 billion includes over $1 billion for new fixed guideway systems. Amtrak is provided with $900 million, which is equal to the President's request. Included in this funding is $500 million for capital improvements and $60 million to ensure that important commuter operations continue.

Mr. Speaker, the underlying bill also provides significant support for the Federal Aviation Administration with a total of $14 billion. This includes $3.5 billion for the Airport Improvement Program and $102 million for Essential Air Service. The total FAA funding also includes $9 million above the budget request in order to hire and train additional traffic controllers.

From highways and transit programs to airports and the FAA, the underlying bill ensures that we have a reliable and stable transportation infrastructure. Mr. Speaker, the underlying bill also gives support to the Treasury Department, bringing their appropriation to over $11 billion. Included under the General Services Administration is over $90 million in funding for new border stations. This will not only enhance protection of our borders but also improve commercial efficiency. The bill also includes an increase of $2.8 million for the Financial Crimes Enforcement Network, which is tasked with implementing the Treasury Department's anti-money laundering regulations.

Also included in the bill is considerable funding for support of national anti-drug efforts. The Office of National Drug Control Policy is provided with just over $468 million. Within that funding is assistance to the National Youth Anti-Drug Media Campaign and full funding for the Drug-Free Communities program. This funding is essential to keep our children safe from drugs through education and community support.

Mr. Speaker, there are many more vital programs funded in the appropriations bill that I have not mentioned but that I know will be highlighted in detail during our debate later today.

I would like to commend the chairman and ranking member of both the full Committee on Appropriations and the subcommittee for their hard work on this extensive bill.

Mr. Speaker, I urge my colleagues to support the bill and the underlying rule.

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

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. MCGOVERN. Mr. Speaker, I want to thank the gentleman from New York (Mr. REYNOLDS) for yielding me the customary 30 minutes.

Mr. Speaker, sadly, the best that can be said of this fiscal year 2005 Transportation, Treasury, and Independent Agencies Appropriations bill is that it represents a valiant effort to fund the important agencies it covers despite a grossly deficient budget allocation. The subcommittee's fiscal year 2005 budget allocation is $389 million less than the President's request and $2 billion than the level of budget authority provided in the fiscal year 2004 Omnibus Appropriations bill.

So, therefore, I want to be begin by thanking the gentleman from Oklahoma (Mr. ISTOOK), subcommittee chairman, and the gentleman from Massachusetts (Mr. OLVER), ranking member, for their hard work and diligence in bringing this bill forward under very difficult and trying circumstances. The gentleman from Florida (Chairman YOUNG) and the gentleman from Wisconsin (Mr. OBEY), ranking member, also deserves credit for helping to craft a bipartisan bill that attempts to spread the pain of this pitifully inadequate budget allocation equally.

That being said, the fact remains that this appropriations bill does not meet the very real and growing needs of our Nation in a number of areas, particularly with respect to our deteriorating transportation infrastructure. And, Mr. Speaker, that simple fact is especially hard to reconcile with this administration's reckless fiscal policies of tax cuts for the wealthy.

This fiscal year 2005 Transportation, Treasury Appropriations bill provides $89.9 billion in total funding, an increase of $1 billion over the President's request and $495 million below the fiscal year 2004 level. Discretionary spending is capped at $25.4 billion, which is $2.9 billion below the fiscal year 2004 level.

Among the more glaring shortcomings of this appropriations bill is the continued, conscious and deliberate underfunding of Amtrak. This recurring game of brinksmanship with our national passenger rail system has simply got to stop. During their brief tenure, David Gunn and his management team have made significant improvements in the operational efficiency of Amtrak by cutting waste and reducing expenses while increasing ridership and raising revenues. However, despite these impressive gains, there still exists a massive $6 billion backlog of critical capital improvements, created in large part by years of deferred maintenance along the Northeast Corridor, which absolutely must be addressed.

No less than the Inspector General has stated that Amtrak needs $1.5 billion annually just for its capital needs. Mr. Speaker, this capital backlog is not imagined. It is very real and we need to provide sufficient funding to address it.

The $900 million provided for Amtrak in this appropriations bill is half of the $1.8 billion Amtrak says it needs next fiscal year to keep the system operating reliably and to begin to address its capital backlog. If this $900 million in funding is allowed to stand, Amtrak will likely cease operations in mid-2005. If my colleagues doubt that, perhaps they should update their resume and apply for Mr. Gunn's job. Otherwise, do not be surprised when the trains stop running in the spring of next year and no private rail carrier steps up and offers to operate passenger service without a public subsidy. My colleagues should consider themselves warned.

Mr. Speaker, the underfunding of Amtrak in this appropriations bill is compounded by a reduction in spending on new starts projects within the Federal Transit Administration's budget. At a time when our cities and towns are choking from congestion and the transportation reauthorization bill is mired in election year politics, we can scarcely afford to underfund projects which promote public transit. I have cities in my congressional district like Fall River in Massachusetts, which has 92,000 residents and is located only 50 miles south of Boston but has no access to commuter rail service. In these tough fiscal times, the FTA's new start program represents the only hope of expanding commuter rail to cities like Fall River. We should be increasing funding for new starts, not reducing it.

Equally as troubling to me is the dramatic decrease in funding for Federal Aviation Administration facilities and equipment. This fiscal year 2005 appropriations bill provides $392 million less for FAA facilities and equipment than the fiscal year 2004 enacted level. As the commercial airline industry continues to recover from the terrorist attacks of 9/11 and consumer confidence returns, we must not jeopardize the safety and the security of America's airways by short-changing the agency's staffing equipment or facilities.

□ 1545

In the Committee on Rules earlier today, Mr. Speaker, several amendments were offered to the rule, motions that would have provided protections for important amendments so that they could be debated and voted on right here on the House floor today. If the Committee on Rules had approved these motions, the House would have had the opportunity to debate and to vote on these amendments today. Unfortunately, as has become kind of regular order in the Committee on Rules, the Committee on Rules, on party-line votes, denied providing the necessary protections for these amendments, and they cannot be voted on today.

The first amendment brought to the Committee on Rules by the ranking member, the gentleman from Massachusetts (Mr. OLVER), would have increased funding for Amtrak by $300 million. The cost of the amendment would be paid for by a small reduction in the 2001 and 2003 tax cuts for any person making more than $1 million. This amendment would provide badly needed funds for Amtrak; and, as we all know, Amtrak desperately needs increased funds if it is to continue providing the services that all of our constituents rely on.

The second amendment would have protected from a point-of-order language already included in the bill that allows government jobs to be privatized only if such actions would save at least $10 million or 10 percent of the program's cost. The Office of Management and Budget has been working on a proposed rule that puts civilian employees at a competitive disadvantage to noncivilian employees. This language would ensure that the civilian employees have a level playing field when it comes to competition with noncivilian employees.

Additionally, it would provide that taxpayer funds are properly spent, which is simply not the case under the new OMB guidelines. In other words, by leaving this provision unprotected, this important language, originally adopted in the committee, can be struck from the bill, making it much easier to privatize important Federal jobs.

The third amendment offered in the Committee on Rules today would have protected a provision in the bill that provides a 3.5 percent COLA for Federal civilian employees. This is the same level the President proposed for members of the Armed Forces; and while all of us support our troops and we want to ensure that our troops and their families are paid what they deserve, we cannot and we must not forget about the jobs that civilian and Federal employees do each and every day. In fact, I strongly believe we should provide Federal employees with equal pay adjustments.

Beyond that, a fair pay adjustment is needed to keep pace with private sector salaries so the Federal Government can compete for quality employees in the future.

Finally, Mr. Speaker, on a special note, I want to publicly commend the gentleman from Wisconsin (Mr. OBEY) for raising the very important issue of foreign truck certification in the full committee markup of this appropriations bill. As a former member of the House Committee on Transportation and Infrastructure and the lead sponsor of the Safe Highways and Infrastructure Preservation Act, I am keenly aware of the danger bigger trucks, foreign or domestic, pose to the American driving public on our interstates and highways. I would strongly encourage Members to take this issue very, very seriously and to immediately insist on stringent safety and environmental standards for foreign trucks.

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

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I looked over the transcript from last year and noticed how similar the debate is coming from my colleague, as the presentation was: we have to keep spending more money. There is not a district or a State or, quite frankly, a region of the country that does not feel that there is more need in transportation appropriations, whether it be this or from the trust fund; but the reality is, it becomes a time to look at working within a budget, working within the allocations.

I also want to remind my colleague that while the Committee on Rules is a traffic cop, deciding many things that comes before the Congress as it comes from committees to the floor, we have to be a little careful of just how much legislating we do on appropriations bills. I do not have to remind my colleague that there was a great deal of legislating on the appropriations bills via the amendments offered before the Committee on Rules today, thus making a decision not to make them in order, as they were not germane; and also there becomes the subject of looking at paying for some of this by raising taxes.

Now, I look at the fact that there is a tax cut on the books and it is the law of the land, and that is the rate and what people are going to pay. Every

time we want to add something by taking it from the tax cut, we are raising taxes. I think the Committee on Rules, at least on the Republican side of the aisle, did not want to get into raising taxes.

So, Mr. Speaker, this is not an easy budget. The entire 13 appropriations bills and the transportation bill is no easier than the others that we have moved before us or a few that we have to complete our work on. But the fact is, the Committee on Appropriations has worked hard. They have worked under the allocations that they had available, and we should always be on the lookout for an opportunity where we can provide assistance in transportation needs as money becomes available.

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

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

I just want to say I appreciate the gentleman's response, but I would just suggest that his priorities and the priorities of his leadership are wrong. What we are suggesting here is that we do have serious needs in this country, and the gentleman admitted it, in terms of transportation and infrastructure needs, and we need to address them. The gentleman and his party think that it is more important to give millionaires tax cuts rather than take those resources and invest it in our infrastructure so our communities can become more competitive, so that we can create more jobs. I mean, this mess we are in is wholly created by those of you who run this Congress, and it is an unfortunate situation that we find ourselves in right now.

There are communities all across this country, States all across this country, Governors all across this country, Republicans and Democrats, who are frustrated that the Republican leadership cannot get their act together and get a highway and transportation bill before both the House and the Senate that we could put on the President's desk. I think when they look at the underfunding of some very important public transportation needs, that frustration is going to continue.

So you are making choices, and I am suggesting that you are making the wrong choices.

Mr. Speaker, I yield 2 minutes to the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Mr. Speaker, these are difficult times for our Nation. We are fighting terrorism on numerous fronts. We have commitments to keep our troops overseas, and we struggle to meet our needs here at home. Our economy needs a boost, unemployment is high, and our future budget deficits are predicted to be the highest in the history of this great Nation.

Now is not the time for Members of Congress to be voting themselves a pay raise. We need to show the American people that we are willing to make sacrifices. We need to budget, live within our means, and make careful spending decisions based on our most pressing priorities.

Mr. Speaker, let us send a signal to the American people that we recognize their struggle in today's economy. Vote ''no'' on the previous question so we can have an opportunity to block the automatic cost-of-living adjustment to Members of Congress. This vote ought to be cast in the light of day and on the record. A ''no'' vote on the previous question will allow Members to vote up or down on the cost-of-living adjustment.

If the previous question is defeated, I will offer an amendment to the rule. My amendment will block the fiscal year 2005 automatic cost-of-living pay raise for Members of Congress. Because this amendment requires a waiver, the only way to get to this issue is to defeat the previous question. Therefore, I urge Members to vote ''no'' on the previous question.

Mr. REYNOLDS. Mr. Speaker, I was listening to my colleague, the gentleman from Massachusetts (Mr. MCGOVERN). I know that he is an expert on rules and rules policy. That is, with an open rule, any Member can offer any germane amendment to change however they want this transportation and postal bill. So as we bring the rule, which is an open rule, to the body and the House makes its decisions of passing the rule, it allows us to get into the debate on the appropriations report. That certainly allows, under an open rule, any germane amendment to be offered that any Member chooses, and I know we will have many. This bill always has a tremendous amount of amendments to it.

So I look forward to the debate and the votes as they come, and I am sure there will be many where individual Members will offer amendments that they deem are important for consideration here; and if they are germane, they will be entertained by the House.

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

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

I would just simply respond to the gentleman that the Committee on Rules makes its own rules, as we have seen so clearly since the majority has taken over control of that committee. So one of the frustrations that Members of Congress have is that the only way for their issues to be heard, the only way to bring up these different points of view is to go before the Committee on Rules and to ask the Committee on Rules for protections or for waivers, which, to be honest with my colleagues, is something that has happened in the past. So I would simply say to the gentleman, that is all we want, is to be able to, in the people's House, have a good debate and to be able to bring up the issues that our constituents talk to us about.

With regard to this bill in particular, which many of us think is sadly underfunded because of some bad priorities of the people who are running this House, we would like to have the opportunity to correct that. When we go home, and I suspect when the gentleman goes home and he talks to his mayors and his town managers and to his Governor, they will tell him that there is a desperate need for additional transportation infrastructure funding. There are bridges that are collapsing in this country, there are road projects that are not being done; and the longer we put them on hold, the more expensive they are going to be. I would say also, it has a negative impact on economic development.

I would also suggest to the gentleman, since his party does not seem very interested in creating jobs, since they have a job-loss record that is on par with Herbert Hoover, that this is a way to create jobs. We might actually do something different and get up and actually pass a piece of legislation that will stimulate economic growth and create some jobs, and I think a lot more people would be happy in this country.

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

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

Again, the Committee on Rules has to sort it all out. I suppose each of us would like our own personal waiver of something that we would like to add into this appropriations bill, whether it is our favorite road, our favorite bridge, our favorite railroad station or track or some other aspect, or ports or harbors or whatever else we can stick in the bill.

The reality is that we have a budget. We have 302(b) allocations to 13 appropriations bills, and we have some tough work to do. Our appropriators on this subcommittee have done their job, and they have brought the bill here. It is now, as we consider it under an open rule on the appropriations bill, one that will come to the floor so that any Member can provide any amendment they so desire that is germane to this bill for consideration, and that becomes the process of a decision of whether 218 Members of this body decide in favor of that amendment or not.

It is not up to the Committee on Rules to sort through each and every personal agenda item that may come up through the rules hearings for deliberation. This is a fair and open rule that is before this House for decisions today and as long as it takes to complete this appropriations bill.

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

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

I would just respectfully disagree with the gentleman, that it is the job of the Committee on Rules to go through and to analyze each and every amendment and every proposal that every Member of this House, Republican and Democrat, brings before the committee. Everybody in this Chamber should have the right to be able to go to the Committee on Rules and have

their amendment considered, be given fair consideration. All of us were elected. We represent the same number of people; all of us have the same right to be able to do that.

I would also say to the gentleman when he mentioned about the budget, to the best of my knowledge, Congress has not approved a budget yet, notwithstanding the fact that the Republican Party controls both the House and the Senate. So we are kind of operating under kind of imaginary budget caps that the Republican Party has decided to put into place. I would again say that to the extent that there is a shortfall here, it is because the gentleman and his leadership and his party have chosen to devote these resources to something else, namely, tax cuts for very wealthy people in this country.

I think that is the wrong choice. I think it would be better to invest some of that money in a strong infrastructure. I think it would be better for our economy, and it would create more jobs.

Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY).

□ 1600

Mr. OBEY. Mr. Speaker, I intend to vote against the previous question on the rule. I intend to vote against the rule. And if the House does what I think it is going to do on this bill in the next 2 days, I intend to vote against the bill as well.

The gentleman from New York (Mr. REYNOLDS) indicates that the Committee on Appropriations has done its job. That is correct. But what is happening now, the Committee on Appropriations is trying even though we are at the end of the fiscal year and even though many of the programs that we are supposed to appropriate money for have not yet been authorized because of failure of the authorization process, the Committee on Appropriations is going to see its product shredded because of the inability of the authorizing committee and the White House and the majority leadership in both the Senate and the House to get together on a reasonable compromise, which hopefully would also include Members of the minority.

And so now what is happening is that a rule is being produced which is theoretically an open rule, but which in reality will result in about 80 percent of this bill being shredded. The carcass of this bill will then go to conference, and in conference the Committee on Appropriations will be asked to reconstruct the legislation which will have been shredded on the House floor. No individual member will have any input into what the final product that comes out of conference will be.

The reason we have a Committee on Rules is to avoid this kind of chaos. The reason we have a Committee on Rules is to bring adult supervision to the House floor from time to time, and the fact is that the Committee on Rules is being derelict in its duty and the House leadership is being derelict in its duty when it does not step in to resolve what Dick Bolling used to call these dung hill fights between different committees. Dick Bolling used to bemoan the fact that Members of this House seemed to think that they had a greater obligation to their committee than they do to the House as a whole. They do not. At least they should not.

We were not elected to be members of the Committee on Appropriations or members of the Committee on Transportation and Infrastructure or members of the Committee on Rules. We were elected to be Members of the House of Representatives, and it is our job to sometimes defend the House against the arbitrary actions of individual committees. And when the Committee on Rules does not step in to guarantee that, then the result is chaos.

That is what we are going to see here today. We are going to have three different factions of the majority party each trying to impose its own will by taking advantage of the fact that the Committee on Rules did not do its job. So in protest, I mean, we only have about 2 weeks before the end of the fiscal year. We only have passed one appropriations bill. And in my view it is this lack of leadership which has resulted in this miserable record of performance or rather miserable record of nonperformance on the part of the House of Representatives on appropriations issues.

The Committee on Appropriations on both sides of the aisle has worked and worked and worked to try to overcome an inability to perform on the part of other committees, and yet the product that the committee has tried to produce is going to be shredded today because the leadership did not pull people in and knock their heads together to get them to act like adults. That is nothing new around here, but I wish to God it would not be routine.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all I want to make sure that there was no question in my comments earlier as the gentleman from Massachusetts (Mr. MCGOVERN) brought forth some thought.

I believe it is for the Committee on Rules to listen to each and every Member on its amendments. What I said was that the Committee on Rules, that it was not responsible and necessary to give every member a waiver on everything they wanted as they came up there, which you well know.

A couple of things that become important also while I listen to both the ranking member of the Committee on Appropriations as well as the minority member managing this rule, and that is that appropriations has a very unique aspect here. They can move privileged measures right to the floor without any rule. Now, I know the ranking member of the Committee on Appropriations knows that because last year the Committee on Appropriations Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies came through exactly that way, as a privileged measure that was regular order and never had a rule, and it came right to the floor as they have that opportunity here in the House of Representatives.

In fact, as we look at this bill, this bill started with the aspect that the Committee on Appropriations was going to move it to the floor as a privileged measure that would not require a rule at all. And it was also, as I understand, that the Committee on Appropriations did not want to accommodate waivers, they did not want waivers on this bill, so they elected that the Committee on Rules would come to play, make its decisions and bring the bill to the floor without those waivers under an open rule where every single Member of this body can introduce any germane amendment he or she so desires. And that is what will happen today if this rule is passed and we are able to move on to the appropriations matter.

When we look at the discussion, and there is a debate. I remember when we had a discussion saying I want to add back all this stuff and I want to raise taxes to do it, as the minority ranking member of the Committee on Appropriations brought a measure before this House. I respect his ability to bring that amendment. I also think we were fortunate that it was defeated so we did not raise taxes on the American people. But the fact is there was the opportunity to have that vote after the debate and the decision was not to raise taxes.

I accept those in the minority who want to raise taxes to spend. It is a fact of life over some of the policies that this body had when the other party was in power. But the fact is that we are holding the line on spending. We are making difficult choices. And today as we move this appropriations bill to the floor, it gives everyone ample opportunity to amend it with germane amendments how they see fit.

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

Mr. MCGOVERN. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. I found the gentleman's response interesting, Mr. Speaker. He starts to talk about taxes. This bill and my position on it has nothing whatsoever to do with taxes. It has everything to do with the fact that the leadership on your side of the aisle will not meet their responsibility in choosing which individual Members they are going to discipline in order to bring a coherent piece of legislation to the floor. This has nothing to do with tax levels.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I must recall it has only been about a half hour when I listened to my colleague, the gentleman from Massachusetts (Mr. MCGOVERN), who

brought his viewpoint to the floor that said there is not enough money in this thing because there was a tax cut and, therefore, we have got to increase taxes in order to have more money to spend. And so while I did not necessarily hear that from the gentleman today, the ranking member led the debate on increasing taxes so we could put more stuff back into programs that you put forth in a line by line fashion that you wanted back from money.

That was not today but you certainly brought that forth and it was something that you very much wanted to bring forth and we have accommodated that opportunity. But today the Member managing this rule on the minority side did bring forth the fact that he did not see the goals of what he wanted to see in a transportation bill because the tax cut did not allow him to have that.

Again, I want to remind my colleagues that we have ample opportunity for every Member to offer whatever amendment they want that is germane to this bill; and I am sure we will see many of those in the forthcoming hours on this Committee on Appropriations item.

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

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me clarify to the gentleman, the point I was trying to make is your priorities are all messed up. The bottom line is there is a real need out there, all across this country, even in your State, for more transportation funding, more public transportation funding, more support. It is essential for economic growth. It is essential for job creation and you are short-changing it, and those are your priorities, and I think they are messed up.

Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Speaker, I thank my friend for yielding me time.

I wanted to set the record straight, Mr. Speaker, on this discussion of taxes that we keep hearing about, my friend from Wisconsin, when he raised taxes. And he can correct me if I am wrong about this, but every time he has attempted to make an amendment in order on these appropriations bills, in committee and here, and when he was permitted to have an order, a vote that would have amended the budget resolution, every time, if I am not mistaken, the bottom 99 percent of American families would not have had their taxes raised at all.

Mr. Speaker, I ask the gentleman from Wisconsin (Mr. OBEY) if that is correct.

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

Mr. ANDREWS. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, that is absolutely correct. The majority knows it but they try to hide it at every opportunity because they do not have the guts to take the issue on directly.

Mr. ANDREWS. Reclaiming my time, it is also my understanding that to the extent that we have talked about restoring the tax rates that were in effect in 2001, a tax code which by the way created 22 million new jobs in the last decade, that the gentleman from Wisconsin's (Mr. OBEY) proposal simply reclaimed a portion of the tax cut that people in that top 1 percent would have received.

In other words, even under the gentleman from Wisconsin's (Mr. OBEY) proposals, they would get a tax cut because the amount reclaimed was less than the amount received.

Mr. Speaker, I ask the gentleman from Wisconsin (Mr. OBEY) if that is correct.

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

Mr. ANDREWS. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, that is also absolutely correct.

Mr. ANDREWS. Mr. Speaker, I also want the RECORD to reflect this choice: As our constituents sit in traffic tonight, as they cannot get home because of suburban sprawl and the lack of mass transit, as they cannot deal with the many, many problems they have, the majority has made a choice and its choice is a huge tax reduction for the top 1 percent of the people in the country or an honest choice which we would make which we would say, the top 1 percent could do without that huge tax reduction. Let us not raise taxes on the other 99 percent and meet the needs of this country.

That is the real choice. I understand why the majority wants to obscure it because they are making the wrong choice.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Let me conclude again by saying what I said at the beginning of this debate and that is that it is unfortunate that we are dealing with such an inadequate allocation. Our cities, our towns, our States deserve much better than this. This reflects poorly on the priorities of the leadership of this Congress. This has to change. Our communities cannot afford to be short-changed on important transportation dollars.

This undercuts their economic development. This undercuts job growth. We need to do much better.

Mr. Speaker, I yield back the balance of my time.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there is no question when we look at our infrastructure and our roads and bridges and our transit systems and our ports and our airports, there is always an additional need for money. That is why we have invested so much as what we have done in our trust funds as well as annual appropriations. But there also comes a time where you cannot just keep taxing and spending on the aspect of wanting to provide a big government to the entire country on every single item, every single day.

It requires some of the tough looks of where we have to hold some line item spending. It comes to looking at a budget, and 302(b) allocations that set forth those tough decisions that both the appropriators and then this body have to do. Just as the difficulty that everyone knows we have in bringing forth the final solution for TEA–LU.

If it was just an unlimited big spending picture of what some of the failed liberal policies of the 40 years before this majority came into power, I guess you could keep that tax and spending going. But the American people have also said a couple of things: One, we need to hold the line on spending. We need to hold the line on taxes, and we also need to look at making some of those tough decisions that we have today as this appropriations bill comes to the floor of the House after the vote on the rule.

Mr. Speaker, I have said it time and time again, it is an open rule. It is one that gives every single member of this body an opportunity to bring any germane amendment to the floor for consideration on their amendments by this body, and I am sure upon the completion of the hard work that this body will do over the next several days on this bill we will get the best bill possible to bring forth as a completed appropriations bill that we have as a rule before us.

□ 1615

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on ordering the previous question.

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

Mr. MATHESON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 235, nays 170, not voting 28, as follows:

[Roll No. 451]

YEAS—235

Abercrombie	Berman	Bonilla
Akin	Biggert	Bono
Andrews	Bilirakis	Brady (PA)
Baca	Bishop (GA)	Brown (SC)
Bachus	Blumenauer	Brown, Corrine
Barton (TX)	Blunt	Brown-Waite, Ginny
Bass	Boehner	

Butterfield
Buyer
Calvert
Camp
Cantor
Capuano
Cardin
Carter
Clay
Clyburn
Cole
Collins
Cooper
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (FL)
Davis (IL)
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Ehlers
Emanuel
Eshoo
Everett
Farr
Fattah
Feeney
Ferguson
Foley
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gilchrest
Gillmor
Gonzalez
Goodlatte
Goss
Granger
Green (TX)
Grijalva
Gutierrez
Gutknecht
Harman
Hastings (WA)
Hefley
Herger
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Honda
Houghton
Hoyer
Hunter
Hyde
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, Sam
Jones (OH)
Kanjorski
Kennedy (RI)
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
Lowey
Lucas (OK)
Maloney
Manzullo
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCotter
McCrery
McDermott
McHugh
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (MI)
Miller, Gary
Miller, George
Mollohan
Moran (VA)
Murtha
Myrick
Nadler
Neal (MA)
Ney
Nunes
Oberstar
Olver
Ortiz
Osborne
Otter
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Pickering
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rangel
Regula
Rehberg
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Saxton
Schakowsky
Scott (GA)
Scott (VA)
Sessions
Shadegg
Shaw
Sherman
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Solis
Souder
Spratt
Stark
Sweeney
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Turner (OH)
Van Hollen
Velázquez
Visclosky
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—170

Aderholt
Alexander
Allen
Baird
Baldwin
Barrett (SC)
Bartlett (MD)
Beauprez
Becerra
Bell
Berkley
Berry
Bishop (NY)
Bishop (UT)
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Burgess
Burns
Burr
Capito
Capps
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chabot
Chandler
Chocola
Coble
Costello
Davis (CA)
Davis (TN)
Davis, Jo Ann
DeFazio
DeMint
Deutsch
Doggett
Duncan
Edwards
Emerson
English
Etheridge
Evans
Filner
Flake
Forbes
Ford
Fossella
Franks (AZ)
Gerlach
Gibbons
Gingrey
Goode
Gordon
Graves
Green (WI)
Hall
Harris
Hart
Hayes
Hayworth
Hensarling
Herseth
Hill
Holden
Holt
Hooley (OR)
Hostettler
Hulshof
Inslee
Isakson
Jenkins
John
Johnson (CT)
Johnson (IL)
Jones (NC)
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kind
Kucinich
LaHood
Lampson
Latham
Lewis (KY)
LoBiondo
Lofgren
Lucas (KY)
Lynch
Majette
Marshall
Matheson
McCollum
McGovern
McIntyre
Mica
Michaud
Miller (NC)
Moore
Moran (KS)
Murphy
Musgrave
Napolitano
Neugebauer
Northup
Norwood
Nussle
Obey
Ose
Paul
Pearce
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Renzi
Rogers (AL)
Rogers (MI)
Ross
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schiff
Sensenbrenner
Shays
Shimkus
Shuster
Simmons
Smith (WA)
Snyder
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Tiahrt
Tierney
Toomey
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Vitter
Walden (OR)
Wamp
Wu

NOT VOTING—28

Ackerman
Baker
Ballenger
Blackburn
Boehlert
Bonner
Burton (IN)
Cannon
Conyers
Crowley
Engel
Gephardt
Greenwood
Hastings (FL)
Johnson, E. B.
Kleczka
Langevin
McInnis
Miller (FL)
Nethercutt
Owens
Schrock
Serrano
Sherwood
Slaughter
Tauzin
Towns
Whitfield

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). There are 2 minutes remaining in this vote.

□ 1641

Messrs. JENKINS, SULLIVAN, MARSHALL, GIBBONS, Mrs. JOHNSON of Connecticut, Mr. MICA, Ms. KAPTUR, Mr. RAMSTAD, Ms. HOOLEY of Oregon, Mr. ADERHOLT, Ms. MCCOLLUM, and Mr. FOSSELLA changed their vote from ''yea'' to ''nay.''

Messrs. LIPINSKI, FRANK of Massachusetts, COOPER, CLYBURN, and Ms. WATERS changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unable to be present for rollcall vote Nos. 444, 445, 446, 447, 448, 449, 450, and 451. Had I been present, I would have voted "aye" on rollcall vote Nos. 446, 447, 448, and 449. I would have voted "nay" on rollcall vote Nos. 444, 445, 450, and 451.

PERSONAL EXPLANATION

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, this afternoon I was meeting with Veteran constituents and upon the vote being called for the previous question for the H. Res. 770, I hurriedly ran from the office to the floor. I had intended to vote against the order of previous question as I did last year but in my haste, inadvertently voted in its favor. I oppose the Congressional pay raise for 2005 and would like the record to reflect that view.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ISTOOK. 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 H.R. 5025, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2005, and for other purposes, and that I may include tabular material on the same.

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

There was no objection.

TRANSPORTATION, TREASURY, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore. Pursuant to House Resolution 770 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. 5025.

□ 1640

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. 5025) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2005, and for other purposes, with Mr. GILLMOR in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Oklahoma (Mr. ISTOOK) and the gentleman from Massachusetts (Mr. OLVER) each will control 30 minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. ISTOOK).

Mr. ISTOOK. Mr. Chairman, I yield myself such time as I may consume, and I am pleased to present to the House the appropriations bill H.R. 5025, making appropriations for the Departments of Transportation and Treasury, and independent agencies for fiscal year 2005.

Mr. Chairman, this is one of the most fiscally responsible bills that we have considered this year. It is a large bill. It is a diverse bill. It includes funding for the Department of Transportation, the Treasury Department, the General Services Administration, the Executive Office of the President, National Archives, Office of Management and Budget, Office of Personnel Management and many other agencies that are