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)
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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

critical to the functioning of our Federal Government.

This measure is also one that includes a number of government-wide general provisions that are there to facilitate efficiency and effectiveness in the day-to-day functions of large and small Federal agencies.

Mr. Chairman, we have a lot of budget constraints this year. In examining the budget picture for this particular bill, it is important to note that this bill is within the budget that has been produced by this House of Representatives and the allocation that has been provided to this subcommittee.

Of course, the Congress, working with the President and his administration, has rightfully put a priority on spending for the ongoing conflict in Iraq and the war on terror. At the same time, we have a serious Federal deficit. These have forced this body and our Committee on Appropriations and our subcommittee to make many difficult and challenging choices. This bill reflects the difficulty of those choices.

In fact, if you look at this bill, Mr. Chairman, and compare it with last year's parallel bill, you will find that this particular measure is $3 billion below the amount that we spent on the same accounts last year. There are reasons that it is not a pure apples-to-apples comparison, but, nevertheless, the bill is below what the similar funding was for last year. That reflects, again, the priority choices and the tough choices we have made.

So we will hear, during debate upon this measure, many people say, ''Oh, I wish we had more money for this program or that or some other.'' But the answer is that we do not. We are in deficit spending already, and this is about as fiscally responsible a bill as you will find before this body this year.

Overall, the bill provides a total of $89.9 billion for the Department of Transportation, for the Treasury Department, the Internal Revenue Service, highways, transit, rail programs, seafaring programs, and the heart of the executive branch, including the White House itself.

□ 1645

Overall, for salary and expense accounts, the bill does provide increases, some 2.6 percent, but that is within the context of a bill that overall is $3 billion less than the bill last year, so many agencies will have to do some belt tightening. We have tried to give them the maximum flexibility to manage those resources.

I appreciate the fact that the gentleman from Florida (Chairman YOUNG) did not have the funds he would have liked to have had to put into highways and other forms of transportation, but he gave us a fair allocation and I am grateful for it. Not only is it $3 billion below last year's spending on these accounts, it is below the amounts requested by the President in his budget.

There were some highly controversial provisions we did not include. Some Members said if you can put a provision in the bill to end a process known as dumping, which has to do with reparation payments to industry to offset unfair trade practices, then you can grab over a billion dollars to put back into the bill. That would not have been good because whatever Members' position on dumping is, it has not passed the House and we cannot assume we will have the money.

Despite the budget constraints we have, I am pleased we have been able to improve the most important part of our transportation network, and that is funding for highways. The $34 billion in this bill for highway funding is a billion dollars above the funding level for highways last year. So in the context of a bill that itself is $3 billion below last year, when we are still able to improve highway funding, that shows we have addressed priorities and tried to put the money where it is most important.

That money for highways is going to be good news for the economy because each billion dollar investment is estimated to create some 40,000 jobs.

There is also some confusion in the context of this bill, Mr. Chairman, because we have a two-stage process. We have still pending in the conference committee a surface transportation highways and transit reauthorization bill. I do not want to confuse this bill with that. The reauthorization bill establishes a framework for spending transportation dollars, but this bill actually provides the money. We do not have a new framework created, so we have had to assume the old framework remains in place, but we are going to have some controversy over that because we have not been able to achieve passage into law of a highway reauthorization bill. We have some technicalities, some rules of this House, and I know many Members are going to come forward and raise points of order. They are going to say you have to strike this part out of the bill because we have not authorized it.

Well, we have been waiting a year for an authorization bill which has not happened. We had to do our work anyway. Some Members may want to pick the bill apart and say you are putting money into something that is not authorized. Under the rules of the House they may be successful in doing that. But I want to reassure every Member of this body that we are going to repair those things when it gets to conference. We are going to have the same kind of responsible bill that the Committee on Appropriations has produced that comes out of conference regardless of how Members may want to pick at it with parliamentary tactics on the House floor today.

It is not the fault of the Committee on Appropriations that a reauthorization measure has not passed as the rules of the House dictate it should have been a year ago.

Looking at some other details of the bill, the FAA, the Federal Aviation Administration, will receive a 3 percent increase for its operations, less than they requested, but more than the government-wide average for nondefense, nonhomeland security programs. That again is because we have put priority into aviation funding, just as we have in highway funding, and we have put cuts in place elsewhere in the bill to compensate for that.

The bill meets the aviation funding guarantees mandated by authorizing legislation which has passed this body. It provides the budget request for the capital investment programs of the FAA and grants-in-aid for airports all across America.

The essential air service program, which I am not personally fond of, but one which is important to many Members of this body, receives the same funding as it did in fiscal year 2004. And there is $20 million for the small community air service program.

Amtrak is always a point of controversy in this House. The bill proposes $900 million for Amtrak, the same amount suggested by the administration in their budget proposal, and I believe it is a responsible number for Amtrak because Amtrak still has not resolved its long-term problems, and we have not developed the kind of partnerships that we need with States and communities that want Amtrak service investing in Amtrak service. The administration believes and I agree that realistic Amtrak reform has to be enacted before we start putting more money into that passenger rail service.

The Secretary of Transportation and the President and his administration believe the amount in this bill is sufficient to keep that rail service operating in the next year, and I agree with them.

Funding for transit in the bill is essentially at the level of fiscal year 2004, also the same as the administration requested, but we have done some adjustment inside of the numbers. Within the overall total, we have put more of the transit funding into the formula grant program that goes into every community in every State in the country on a formula basis. That benefits everyone. We put more money through the formula and less in the so-called new starts program which is fixed guideway and light rail programs, and so forth, which only benefit a handful of communities. We have tried to put the transit funding more than ever before into a formula that benefits everyone, not just select areas of the country.

I want to make one more comment about the new starts program. We do not know how much money is going to be available over the next 5 years to fund these expensive rail systems that a lot of communities want and often do not do the necessary cost-benefit analysis. The Department of Transportation Inspector General told us this year there are far more systems being proposed than we will ever have money to pay for. The requests exceed the resources by billions of dollars, so this

bill takes a prudent step to slow down that program, put money instead into the formula grants instead of making some decisions that we might regret tomorrow on how we prioritize the new starts program. But the bill does fund all of the existing full funding grant agreements on new start programs that are between different communities and the Federal Transit Administration.

In the Treasury Department of this bill, which includes the Internal Revenue Service, we essentially have funded it at the same level of fiscal year 2004. Some of the proposals we believe need further refinement. New initiatives such as the IRS initiative to increase its hiring to improve collections are too financially ambitious for the budget climate we have.

One of the largest increases in the bill, 12.7 percent, goes to what is known as FinCEN, the Financial Crimes Enforcement Network. It is part of the Department of Treasury and it is part of counterterrorism activities, trying to disrupt the financial basis of terrorists.

When we look at another part of the bill, the Executive Office, the President, the White House and the offices that work with the White House, it is actually a little below last year's because we have reduced contract programs. The bill includes funding for the majority of the construction program of the GSA, General Services Administration. That is the landlord for the Federal Government. But even though it includes the majority of the GSA construction program and GSA says it has something like a $7 billion backlog, we have shaved back those requests to meet our budget allocation.

All 12 border stations that are proposed in the budget request are fully funded because of the priority that we have given to homeland security. A more complete summary of all of the funding levels in the bill, as well as significant provision, is in the committee report at pages 3 and 4, and I direct Members to those pages.

Mr. Chairman, a final comment before I close my debate for now. My final comment is about the messiness that I know we are going to experience with the points of order and money in the bill being stricken. We are probably going to have to offer some amendments on what do we do with the money. I would just as soon have it go to pay the national debt, but in our protocol that is not how it works in this process. So if some money is stricken on points of order, I will offer the necessary amendments to park that money into some of the major accounts with the understanding that when we get to conference we will be overcoming the parliamentary problems of those points of order and restoring that money to the transportation programs which I think some people are going to try to take it from with their points of order.

I thank the gentleman from Massachusetts (Mr. OLVER), our ranking member. The gentleman presents his personal views and the views of the minority tenaciously and effectively and is good to work with. I appreciate that and his no-nonsense approach to things.

I also appreciate our staff that has worked so well and will reiterate a thank you to them later on before we close this debate.

This is a good, solid bill. It is responsible. It merits and deserves the support of every Member of this body, and I ask that Members support it when we come to passage of the bill.

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

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

Mr. Chairman, I would like to thank the gentleman from Oklahoma (Chairman ISTOOK) for working so hard to get this bill to the floor. I suspect from the comments the gentleman has made and what I know about what is likely to go forward today, he is going to be working even harder to keep this bill moving in the days ahead.

I would also like to thank the staff on both sides of the aisle for their work on the bill: On the minority side, Mike Malone and Bob Bonner from our appropriations staff; and on the majority side, Rich Efford, Cheryle Tucker, Leigha Shaw, and Kurt Dodd. I may be missing somebody, but at least those for the majority. This bill has become more complex than any of us thought it would, and I appreciate all of their efforts and all of the efforts that they will be asked to make.

As Members know, the Congress has not adopted a budget resolution for fiscal year 2005. Instead, the deemed resolution under which the House is operating and which placed tax cuts number one among all priorities, resulted in a severely constrained 302(b) allocation for this subcommittee, along with several other subcommittees of the Committee on Appropriations.

I give credit to the gentleman from Oklahoma (Mr. ISTOOK) to distribute the pain broadly, if not totally evenly, and for making significant adjustments during the subcommittee and full committee deliberations, particularly in regard to hiring additional air traffic controllers in anticipation of the impending wave of controller retirements which everyone except the Department of Transportation seems to know is coming, and in regard to better funding the Financial Crimes Enforcement Network, one of the Treasury Department's front lines against terrorism, yet the subcommittee's abysmal allocation precluded us from fixing several more serious problems with the bill.

On the transportation side, Mr. Chairman, every major account in the Department of Transportation is underfunded. The bill only provides $900 million for Amtrak, which I would say parenthetically, to parse the chairman's words, is another program of which he is not particularly fond. At this level there should be no surprise next spring when Amtrak must curtail services. And furthermore, as critical maintenance is further deferred, we risk serious to catastrophic accidents on the very trackage for which Congress has direct responsibility in our budgetary process.

Transit programs are also underfunded. The new starts transit account is $300 million below the President's request.

□ 1700

There are so many new urban areas growing in this country, areas that are rising in population at substantially larger than the average population increase year by year in this country where it is becoming totally unthinkable to simply add additional lanes of highways and where more and more of them are thinking about how to use bus transit, rail transit, various kinds of programs, under the transit administration; and the new starts transit account is $300 million below the President's request to deal with those needs.

The FAA's operations account is well below the President's fiscal year 2005 request and the FAA facilities and equipment account is nearly $400 million below the fiscal year 2004 enacted level. The two highway safety agencies, the Motor Carrier Safety Administration and the National Highway Traffic Safety Administration, taken together, are cut by 25 percent below the President's request. Those are two major highway safety programs. They are not terribly large, but they are cut from the President's request by 25 percent, one much higher than the other.

Even the Federal Highway Administration, which is up 1.5 percent from the enacted fiscal year 2004 budget, is underfunded because 1.5 percent is well below the standard overall inflation rate. Fifteen percent of our whole economy comes from the transportation industry, broadly taken, and the chairman has already pointed out that construction in transportation infrastructure produces, he used the number 40,000 jobs per $1 billion. My understanding is that the Department of Transportation typically uses 45,000 jobs per $1 billion of construction, but we do not need to quibble about that. I will accept his number and he probably would accept my number as being in the ballpark.

So that moneys in the transportation budget and in the Federal highway budget, particularly vitally important for infrastructure improvements all over the country, construction in every mode of transportation costs more every year as the population and congestion increase.

I do not understand what the benefit is to us as individuals in our districts and to the people of America in general cutting below inflation, at least below inflation and in some cases far beyond below inflation, of programs in the transportation area.

On the Treasury portion of this budget, the IRS tax law enforcement account is $286 million below the President's request and nearly half a billion

dollars below what the IRS oversight board says is needed to properly enforce tax laws in fiscal year 2005.

Since we have had sworn testimony that moneys expended properly on tax law enforcement brings in on average a six-to-one return, thereby the proper use of $286 million would bring in nearly $2 billion of additional revenue. In effect, we are giving tax cuts to tax cheaters by not fully funding the tax law enforcement request that the President made.

Secondly, on the Treasury portion, language is included that bars the use of matricula consular identification cards, language which is harmful to homeland security and the Department of Treasury's fight against terrorist financing. I am hopeful that that language will be taken out of this bill before it becomes law.

On the floor today and in conference, I hope we will be able to rectify these problems and have strong bipartisan support for the end product that we hope to produce as expeditiously as possible.

Mr. Chairman, I yield 5 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman's courtesy in permitting me to speak on this bill, and I do appreciate the hard work that the subcommittee has been grappling with. Clearly, there is not enough money that is allocated to meet all of the varied transportation interests that we have. I also appreciate that this is a dynamic process and that there is going to be probably more give and take on top of the give and take that has occurred.

I would like to speak briefly on behalf of three simple points. First, I heard the chairman talk about the new starts being oversubscribed and talked about how there is more in the pipeline than is likely to be funded at current levels for some time. I agree wholeheartedly, but I would think that that is a signal, a signal about the popularity and the importance of these programs across the country, the way the chairman a moment ago talked about the need for more highway funding because of the need for highways.

We have an extraordinarily popular and important program for communities across the country, including some that may not leap to mind for people thinking about multimodal transportation systems, like in Houston, Texas, where the voters there just this last fall, actually against formidable political opposition, the voters decided that they were going to extend that program. It simply as yet does not keep pace with demand, but we have a broad and growing range of interest around the country.

I would suggest that unlike the highway projects which are basically an entitlement that are not subjected to rigorous analysis in terms of cost-benefit, I know of no projects in the Federal arena in terms of major capital outlay that are subjected to more aggressive cost-benefit analysis than what we do now to the new starts. I think they meet the test. They are in community after community proving to be the most cost-effective ways of reducing congestion, far more effective than spending a similar amount simply widening roads as has been the case in the past. That is why it is popular. That is why it has been supported by Republican and Democratic administrations. That is why we see it in communities large and small across the country.

I am concerned, because I know that there has been some report language that talks about how to deal with the weighing of land-use considerations. I would respectfully suggest that this is an area that I think the FTA can, in fact, improve its performance; but it is rather, I would suggest, looking at the value of land use rather than to undervalue land-use criteria.

What community after community is finding is that if you do not look at supportive land uses around transportation facilities, without proper land use you can have them be ineffective, you can have a road project that is basically producing congestion the day it is opened if you are not careful with what the land uses are there. We ought to strengthen the land use provisions, not weaken them. That was part of the original ISTEA. That was part of TEA–21. That is part of what is going through the process now if we ever reauthorize the Surface Transportation Act. This is in TEA–LU.

I would hope that we could work with the FTA to balance, to strengthen, to give more of these choices and, frankly, to provide some weight to the economic development potential of these activities. My concern is at the FTA now there is not enough weight for the economic development potential of transportation. I have seen it, and I can give example after example where it has arisen. I would hope that we are able to provide proper weight for it.

The final point that I wanted to raise deals with Amtrak. I am concerned that the Republican leadership, with their Rules Committee, that we have not been able to protect the spending under Amtrak and maybe subject it to a point of order.

This continues an ongoing drama we have here where the administration proposes to undercut it, where there are proposals here in the House to chop it down even further, but it is always restored because it is something the public understands is an essential part of our transportation infrastructure. It is critical in corridors like in the Northeast. It is something that we have historically starved and underfunded. We have spent less in total of Amtrak's entire history than we do in 1 year of highway spending.

I would hope that we not get involved with that charade this time where we go through the motions of cutting Amtrak funding or even eliminating it, because the American public will not stand for it. It will ultimately be reinstated, but it undercuts the effective administration that we see with the new director, Peter Gunn, who is the best I have seen since I have been in Congress. They deserve better and so does the rail passenger public.

Mr. OLVER. Mr. Chairman, I yield 5 minutes to the gentleman from Maryland (Mr. HOYER), the distinguished minority whip.

Mr. HOYER. I thank the gentleman from Massachusetts for his generous yielding of time.

Mr. Chairman, I would like to express my concern about the funding in this bill. I realize the chairman's hands are tied by the allocation given to the subcommittee which is in turn driven by the budget resolution passed by the House earlier this year, but not passed by the Congress. I thank Chairman YOUNG and Ranking Member OBEY for doing the best they could with the limited resources available to this committee, but this committee did not have sufficient funds to meet its responsibilities.

This highlights the fact that the decisions we make about the budget and taxes have real consequences. With this bill today, we unfortunately see one major result of our decisions. We have failed to live up to the commitments we made to our constituents.

I am, however, pleased in certain instances that we have followed the President's recommendation. The FDA consolidation which we are about has been included in the bill, an extraordinarily important effort that a bipartisan effort of the administration and the Congress has pursued. These funds will go a long way in helping to relocate FDA employees from their current substandard facilities into modern, state-of-the-art facilities. The consolidation would bring to an end the practice of extending costly leases for various FDA offices throughout the region. We in fact will save money as a result of this.

On the other hand, I am deeply disappointed that the bill does not provide any election reform grants. We have funded the commission. That is appropriate. We had a press conference this morning with the president of the National Association of Secretaries of State. One of the most important things that remains left to do on election reform is revising the statewide election system of recording registrants and having those registrants available to each and every precinct. The grants that are due under the authorization are not included in this bill.

The administration, in my opinion, Mr. Chairman, must show a stronger commitment to election reform, including calling for more funding, if this Nation is to avoid a repeat of the 2000 election debacle. We will not do anything between now and November 2 with this money; but very frankly the registration that we require in the bill be a statewide system must be online

by January of 2006. That is a very brief period of time, some 14 months from now.

□ 1715

And if we do not fully fund the authorization, I fear the States will not meet that deadline. We made a promise to the States that the efforts to address the most serious deficiencies in their electoral systems would not turn into another unfunded federal mandate. By failing to fund fully the commitment of the authorization bill, we have mandated something and we have not helped pay for it.

Also, Mr. Chairman, I remain concerned that the proposed funding for tax law enforcement is insufficient to adequately enforce compliance and make our tax system fair and efficient. I am also disappointed there are no funds to reimburse small airports in the Washington region for the losses incurred when the Federal Government shut them down. I have had extensive discussions with the chairman on this issue. There is some language in the bill that hopefully will make this a conferencable item, but I will tell the chairman once again and I will tell the chairman of the caucus it is ironic that small business people who have invested and taken a risk in being entrepreneurs, as the majority party says it supports, are left hanging in the wind by governmental action and, through no fault of their own, none, zero, find themselves one of the few people who have not been reimbursed for the losses they have incurred. That is, I think, ironic and wrong.

While the bill recognizes that the Department of Transportation should consider ways to reimburse general aviation, the failure to provide funds will only leave small airports, specifically College Park, Potomac, and Washington Executive, dangling on the brink of financial ruin. We should do more for general aviation and small business, what we did for the airlines, large airports, and the insurance industry in the aftermath of the terrorist attacks, help ease the burden our actions have caused. Those actions were caused by terrorists.

I urge the chairman to include funds for general aviation reimbursement as we move forward to make fair restitution to the small airports.

Finally, Mr. Chairman, the failure to provide funds for DOT headquarters is short-sighted, in my opinion, and leaves the Department of Transportation headquartered in an aging building with an infrastructure well beyond the end of its useful life. I urge the chairman to correct this oversight, and we ought to look for the resources to do that.

I appreciate the committee's hard work, and I hope we can make some changes and make this a better bill. And I thank the gentleman for yielding me this time.

Mr. OLVER. Mr. Chairman, I yield 4 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, following on the comments of the gentleman from Maryland (Mr. HOYER), I rise to express my disappointment that this bill does not fully fund the amounts authorized in the Help America Vote Act for Fiscal Year 2005. We were proud to pass, on the eve of the 2002 election, groundbreaking election reform legislation that authorized almost $4 billion in Federal funding that would, among other things, improve the administration of elections; provide for increased accessibility to voting equipment and polling places for people with physical disabilities; fund the replacement of obsolete voting equipment; pay for protection and advocacy systems; provide for the establishment of State-based administrative procedures to remedy grievances, including grievances pertaining to accessibility; call for the establishment of an Election Assistance Commission to serve as a national clearinghouse and resource for the compilation of information and review procedures with respect to the administration of Federal elections; and to call for the establishment of a Standards Board, a Board of Advisors and a Technical Guidelines Development Committee, all of which would assist in the development of good voting systems.

Although over the past couple of years I have been primarily focused on standards for voting systems, specifically the lack of meaningful security standards for such systems, the Help America Vote Act funded many important things. And considering how important it is to our democracy to have fair, accessible, auditable elections and considering how many doubts citizens have had about elections in recent years, I am deeply disappointed that this appropriations bill provides so little HAVA funding, only $15 million, a pittance on the amount yet to be funded authorized under HAVA. Fifteen million dollars provided in this bill, leaving unappropriated more than $700 million of HAVA's total $4 billion in authorized sums.

The absence of consistent funding for HAVA has caused a fundamental problem; namely, that Federal funding of election systems outpaced the critical need for implementation of meaningful security standards. The Committee on Appropriations recognizes this. With respect to the $15 million appropriated for the Election Assistance Commission, $5 million is specified ''to address the desperate need for research and standardization of election systems.'' The committee urged the EAC to ''address standards and technology issues related to voting equipment.'' That is their quote. But the committee does not provide adequate funding. Forty million dollars was authorized to fund the protection and advocacy systems to ensure full participation in the election process for individuals with disabilities. Less than a third of that amount has been appropriated. One hundred million dollars was authorized to fund polling place accessibility and education and outreach to disabled voters. Only about a third, less than a third of that, has been appropriated. HAVA has called for the establishment of a Help America Vote college program and Help America Vote high school program. Each of those has received only about half of the authorized amount. HAVA called for $3 billion in payments to States to help them meet their audit trail, accessibility, language and other voting system requirements, and we fall far short of the appropriations in that category.

HAVA, I believe, will have to be amended. There are some improvements that need to be made. But that is no excuse for not fully funding this central part of the American democratic system to make sure that we have fair, accessible, and auditable elections.

Mr. OLVER. Mr. Chairman, I yield 4 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I thank the gentleman from Massachusetts for yielding me this time, and I recognize that there is a lot of hard work that the chairman and the ranking member have done on this bill and we are grateful for the bill despite its horrific shortcomings. The subcommittee has worked hard.

Secretary Ridge was before the Select Committee on Homeland Security today, and an issue came forward that I think simply must be discussed during this debate. I said to the Secretary, whose hard work I very much appreciate, how much it looked like we were fighting the last war. The private sector, the business sector does not even have up on the website of the Department of Homeland Security some guidance as to what they should do, except that is where all the people are and that is where all the revenue is raised in our country. And where the people are in transportation, on rail, on public transportation, it is not even on the radar when it comes to homeland security.

I have got an act that has a lot of cosponsors called the Safe Transportation Act, and I have to tell my colleagues that terrorists really do have an open field. Not in aviation anymore. We have shored up some of that. But they have an open field in public transportation and in rail. That is where the people of the United States spend their time going to and from one part of the country and the other and one city and the other. We have allocated about $14 billion for aviation security, and we are sure we are doing the right thing there. I am on the Subcommittee on Aviation. That was the right thing to do. There is more still to be done there.

But even after Madrid, there is something approximating $300 million for all of rail and public security. People go down into subways. People get on buses. And there is almost a blank

slate there. There are 9 billion passenger trips annually on public transportation. I first learned of this problem when Amtrak security here in the Nation's capital came to see me, and I tell my colleagues that my hair stood on end because Union Station is here, and he told me what his work had been with transportation security, and he told me that virtually nothing had been done here or in Penn Station or in Philadelphia's 30th Street Station. Do not even let us get to the tracks and the tunnels. Amtrak accounts for only 22,000 of U.S. rail routes. There are 140,000, and sometimes they are a big company like Amtrak. Most of the time they are much smaller.

We are living in the post-Madrid era, not the post-9/11 era. There were 200 innocent civilians killed there, 1,500 injured. One-third of terrorist attacks in the world target public transportation systems because they are the easiest to get at. I sat in on a Subcommittee on Railroads hearing a couple of months ago, and I was horrified. There were two agencies there who are supposed to be responsible, the Federal Railways Administration and the Department of Homeland Security official. Nobody is in charge. There is no national security plan for rail security, for subways, for buses. There is no assessment of our rail security, of our public transportation security. And here we have a transportation bill before us. Hey, not a word about it. It simply has to be inserted into this debate. It is no way to run a railway, no way to run a public transportation system. And we are in mortal danger when we leave the major form of transportation used by Americans hanging out there with $300 million while we have fought the last $14 billion war in the air. Let us begin to fight this war.

Mr. OLVER. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

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

I appreciate the help of the gentleman from Massachusetts (Mr. OLVER) in trying to expedite the time for the benefit of everyone.

Let me just make a couple of responses to things that a couple of speakers mentioned on the Help America Vote Act. We have provided federally something like a little bit over $3 billion in the last couple of years to improve voting systems around the country. A billion dollars of that remains unspent. The States are not prepared for us to add more money on this bill or any other bill because they have got $1 billion that has not been spent yet. They are waiting on some voting standards that are supposed to be coming from the Federal Commission, which has not produced those standards yet. So I do not think it would be responsible for us to take away from other urgent and pressing priorities to put more money into an account that already has much more money than it is able to spend. So I figured it was important to mention that.

Let me, in closing, Mr. Chairman, repeat something I said before, and I realize it is confusing to anyone that may be listening as well as to Members. We will be having in this bill a number of parliamentary tactics, points of order brought up. It is not because we on the Committee on Appropriations have not produced a responsible piece of legislation, trying to fund the most important priorities in transportation and in the Federal agencies that are a part of this bill. However, because the authorizing committee has not been able to complete its work, it is overdue by over a year now, we have some things that technically are unauthorized programs. It is unauthorized for this Congress to provide Federal highway transportation dollars.

□ 1730

Now, it is authorized to collect the gasoline tax that our citizens and our constituents pay at the pump. They are paying the fuel tax, but it is not authorized with that money to go back into the roads. That is not right, so we went ahead and we provided that transportation funding. We provided the highway funding and the transit funding and the aviation funding, even though the authorizers say, Well, it is not authorized.

So because of that, they are going to come to this floor, and people are going to say: Well, strike out this part of the bill. Strike out funding for highways. Strike out provisions, some of which spend money and some of which, frankly, save money. We are going to have a messy process.

But ultimately, when this committee produces the House-Senate conference report, we are going to take care of those things that are addressed in this. We will resolve the parliamentary problems because, frankly, the points of order, the parliamentary points of order do not lie against a conference report as they do against legislation in the House.

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

Mr. ISTOOK. I yield to the gentleman from Massachusetts.

Mr. OLVER. Mr. Chairman, I thank the gentleman for yielding.

I would like to clarify on the point that the gentleman just made and the example that you just used, that the authorization bill on T&I highway programs has an extension. As of the moment, it is an extension to September 24. If there is not a full bill, authorization bill that has passed by then, there will be another extension into the next fiscal year. And the irony is that we would then be operating within the authorization of the extension into the next fiscal year in what we would be doing.

Mr. ISTOOK. Mr. Chairman, the gentleman is certainly correct.

Reclaiming my time, this Committee on Appropriations is doing its work, whether the rest of Congress is able to for whatever reason fulfill their work or not. I regret that this is going to be a messy process. We are going to have some things stricken out of the bill. If the things that the Committee on Transportation and Infrastructure want stricken out of the bill are all out, we would be above our budget allocation. We would be in violation of the rules of this House on the amount of money that we have to spend. That is pretty bad when we have a deficit already to make it worse.

We are not going to do that. We will make sure appropriate amendments are offered and that this bill ultimately is within the amount of money that has been allocated to our subcommittee. There may be some money that has been shifted about to what essentially will be a holding account, just to make sure that we reserve it, and we will resolve those things in committee.

I realize it is confusing, Mr. Chairman, but I appreciate the trust and patience of the Members of this body in resolving it.

I do, in final comment, want to make sure that I express my appreciation for the people that work behind the scenes so hard and so diligently to help us present this legislation: The chief clerk of our subcommittee, Rich Efford; the staff members of the subcommittee, Cheryle Tucker, Leigha Shaw, Dena Baron, Kristen Jones; and a member of my staff who works on these issues, Kurt Conrad, as well as my chief of staff, John Albaugh.

We are grateful because we, as Members of Congress, could not do our work without the good support of these people.

I thank the gentleman from Massachusetts and other Members for their comments. I ask every Member to support this bill.

Mr. Chairman, I was ready to yield back the balance of my time, but I yield such time as he may consume to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Chairman, I thank the gentleman for yielding me this time.

I just want to say that the Subcommittee on Transportation, Treasury and Independent Agencies has done an outstanding job of bringing this legislation before the House of Representatives, and it is during some very difficult times with some constraints.

I am going to be here representing the Committee on Transportation and Infrastructure, raising some points of order, not to object to specific actions the subcommittee has taken; I think they have been well-intended on behalf of the appropriators, but to offer and preserve some of the integrity of the authorization process on behalf of the full committee, the gentleman from Florida (Mr. YOUNG), myself, and other subcommittee chairs.

So again, it is a process of give and take, but we do know the constraints the gentleman has worked under, and we have to preserve the integrity of our jurisdiction. And I think that is important in this legislative process.

So I congratulate the gentleman from Oklahoma and the staff on the

fine job they have done, and we will offer these in that light.

Mr. ISTOOK. Mr. Chairman, I appreciate the comments of the gentleman from Florida (Mr. MICA).

Mr. PASTOR. Mr. Chairman, the bill we are considering funds an important national security program. The Maritime Security Program ensues that a fleet of privately owned, commercially viable and militarily useful vessels are available to meet national defense and other security requirements.

A critical new element of the MSP program as reauthorized in the Department of Defense FY04 Authorization Act is the construction and operation of militarily useful U.S.-flag product tankers, which are essential for the carriage of jet fuel and other refined petroleum products. To facilitate the construction of U.S.-flag tankers in American shipyards for the MSP program, the FY04 Defense Authorization Act created the National Defense Tank Vessel Construction Assistance Program.

Implementation of this program has been underway for seven months, with seven proposals submitted to the Maritime Administration (MARAD) to construct tankers for the MSP program. Final proposals for the program are due very shortly—on October 22, 2004—with awards scheduled to occur in January 2005. However, a provision in the Transportation Appropriations Bill—sec. 187—would bring this vital program to a halt by prohibiting any funds from being expended by MARAD to administer or ward any of the contracts under the new program.

On August 24, 2004, the U.S. Transportation Command, the Defense Department's logistics arm, identified "New Tank Vessels . . . constructed in the United States after November 25, 2003, and capable of carrying militarily useful petroleum products," as critical to the new MSP fleet. I am concerned about the potential impact this section 187 prohibition would have on our Nation's military sealift at a time when the support of our overseas troops is critical.

I intend to work with the Committee and Subcommittee in conference to ensure that this key component of our military sealift is not jeopardized, and I encourage my colleagues who share this concern to do the same.

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in support of the Sanders Amendment.

The Sanders Amendment would ensure that the Treasury department not use any of its funds to undermine the federal court decision in Cooper v. IBM that held that cash balance conversions violate federal pension and age discrimination law.

We've been here many times before.

In fact, this is the fourth time that the House is voting to protect older workers' pensions under cash balance pension plan conversions. The last 2 times the amendment passed by 308–121 and 258–160.

Instead of voting to prevent the Treasury department from undermining workers' pensions, I wish we were voting on affirmative legislation to set standards for cash balance plans.

This issue has been going on since 1999.

In 1999, IBM converted its pension plan to a cash balance plan.

Luckily, it's computer savvy workers quickly figured out that the conversion would reduce their expected pensions.

The workers mobilized and got Congress to hold hearings.

The Clinton administration imposed a moratorium on approvals of conversions in September 1999.

But then, the new Bush administration tried to issue regulations lifting the moratorium and permit conversions without any worker protections.

Immediately 218 members of Congress wrote to the President urging him to revise the regulations and protect older workers.

Four times the House and Senate have voted to require Treasury to withdraw its regulations and protect older workers.

Finally, this year, in 2004, the Bush administration relented and withdrew the regulations. The administration even sent up a revised legislative proposal that contained a modicum of older worker protections though it did not go far enough to protect older workers.

But, still the issue is not resolved.

Either Congress or the courts must set standards for cash balance plans and conversions to such plans.

The Republican Congress has done nothing on this issue for almost six years.

If anything, Republican leaders would defer to employer lobbying and simply permit cash balance conversions without any protections for older workers.

That's why the Courts may have to be the body that resolves some of these issues.

One court, the federal district court for the state of Illinois, determined that conversions are illegal. Other courts have disagreed. These cases and others still waiting to be heard will take years to resolve.

This amendment makes clear that the Treasury department shall not interfere in these cases.

Today worker pension security is in crisis.

This administration has done nothing to protect workers' pensions and done everything to undermine them.

They didn't protect workers after Enron and WorldCom from employers loading pension plans with employer stock and letting the executives protect themselves while leaving the workers stuck with worthless stock.

They didn't protect participants in 401(k) plans from a broad range of mutual fund abuses that have decimated retirement nest eggs.

And they are not protecting workers now from rampant pension underfunding. The PBGC, the agency that insures traditional pensions, has a $10 billion deficit. And if the airlines go under, the deficit will increase by another $30 billion. Over 1,000 pension plans are more than $50 million underfunded. And workers don't even know because the PBGC is required to keep the information secret.

The administration and the Republican majority are doing nothing to protect worker pensions.

I urge my colleagues to vote once again and remind the majority that it is the will of the Congress that older workers be protected in cash balance pension plan conversions.

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

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill will be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 5025

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Transportation and Treasury and independent agencies for the fiscal year ending September 30, 2005, and for other purposes, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, $89,000,000, of which not to exceed $2,219,100 shall be available for the immediate Office of the Secretary; not to exceed $704,500 shall be available for the immediate Office of the Deputy Secretary; not to exceed $15,394,300 shall be available for the Office of the General Counsel; not to exceed $12,639,000 shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed $8,572,900 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed $2,315,700 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed $23,435,700 shall be available for the Office of the Assistant Secretary for Administration; not to exceed $1,928,700 shall be available for the Office of Public Affairs; not to exceed $1,456,000 shall be available for the Office of the Executive Secretariat; not to exceed $704,000 shall be available for the Board of Contract Appeals; not to exceed $1,277,200 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed $2,052,900 for the Office of Intelligence and Security; not to exceed $3,300,000 shall be available for the Office of Emergency Transportation; and not to exceed $13,000,000 shall be available for the Office of the Chief Information Officer: *Provided*, That the Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided further*, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: *Provided further*, That any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That not to exceed $60,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: *Provided further*, That notwithstanding any other provision of law, excluding fees authorized in Public Law 107–71, there may be credited to this appropriation up to $2,500,000 in funds received in user fees: *Provided further*, That none of the funds provided in this Act shall be available for the position of Assistant Secretary for Public Affairs.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $8,700,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, $10,800,000.

WORKING CAPITAL FUND

Necessary expenses for operating costs and capital outlays of the Working Capital Fund, not to exceed $125,000,000, shall be paid from appropriations made available to the Department of Transportation: *Provided*, That such services shall be provided on a competitive basis to entities within the Department of Transportation: *Provided further*, That the above limitation on operating expenses shall not apply to non-DOT entities: *Provided further*, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency modal administrator: *Provided further*, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of guaranteed loans, $500,000, as authorized by 49 U.S.C. 332: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $18,367,000. In addition, for administrative expenses to carry out the guaranteed loan program, $400,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, $3,000,000, to remain available until September 30, 2006: *Provided*, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

In addition to funds made available from any other source to carry out the essential air service program under 49 U.S.C. 41731 through 41742, $51,700,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended.

POINT OF ORDER

Mr. MICA. Mr. Chairman, I raise a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MICA. Mr. Chairman, I raise a point of order against the phrase, ''to be derived from the airport and airway trust fund,'' beginning on page 5, line 24 and ending on line 25. This provision violates clause 2 of rule XXI. It changes existing law and, therefore, constitutes legislating on an appropriations bill in violation of House rules.

The CHAIRMAN. Is there further discussion on the point of order?

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

Mr. ISTOOK. Mr. Chairman, the point of order, if I understand it correctly, is made against a portion, rather than an entirety, of the paragraph. I believe the House rules require the point of order must lie against the entire paragraph and not just a portion thereof. I believe the point of order is incorrectly offered accordingly.

The CHAIRMAN. The point of order may be surgical. Does the gentleman from Oklahoma wish to expand the point of order?

Mr. ISTOOK. If the gentleman's point of order lies against the entire paragraph, I concede the point of order.

The CHAIRMAN. The gentleman has made a point of order against a portion of the paragraph. Does the gentleman from Oklahoma wish to expand the point of order?

Mr. MICA. Mr. Chairman, I believe that we want to raise the point of order against a phrase. Again, the point of order which we want to raise against is the phrase, ''to be derived from the airport and airway trust fund,'' beginning on page 5, line 24, and ending on line 25.

The CHAIRMAN. It is permissible to make a point of order against a portion of the paragraph, but the gentleman from Oklahoma may expand the point of order.

Mr. ISTOOK. Mr. Chairman, I insist that the point of order lie against the entire paragraph, that it be expanded against the entire paragraph.

The CHAIRMAN. The point of order is against the entire paragraph.

Mr. MICA. Mr. Chairman, just to that point, I do not believe that the gentleman would have the ability to expand. I thought that would be my prerogative in this case.

The CHAIRMAN. Any Member may assert the point of order against the entire paragraph.

The Chair will hear argument on the point of order.

Mr. ISTOOK. Mr. Chairman, with it expanded to include the entire paragraph, I must concede the point of order.

The CHAIRMAN. The gentleman concedes the point of order. The point of order is sustained. The paragraph is stricken.

Mr. ISTOOK. Mr. Chairman, for the purposes of clarity, the Chair has ruled to strike the entire paragraph?

The CHAIRMAN. The point of order is against the entire paragraph, and the entire paragraph is stricken.

Mr. OLVER. Mr. Chairman, I am sorry to raise this, but there are apparently different versions, different copies floating around, and I would like to know, if I could, what is it that has now been stricken?

The CHAIRMAN. The paragraph beginning on page 5, line 20 through line 26.

Mr. OLVER. All right. I thank the Chair very much, because my recollection was that one of the Members on the other side was reading from a different section at one point, and the words did not correspond to what is in that section, so I got a little confused.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 108–176, $7,726,000,000, of which $6,002,000,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed $6,160,617,600 shall be available for air traffic services activities; not to exceed $916,894,000 shall be available for aviation regulation and certification activities; not to exceed $224,039,000 shall be available for research and acquisition activities; not to exceed $11,674,000 shall be available for commercial space transportation activities; not to exceed $50,624,000 shall be available for financial services activities; not to exceed $69,821,600 shall be available for human resources program activities; not to exceed $149,569,800 shall be available for region and center operations and regional coordination activities; not to exceed $139,302,000 shall be available for staff offices; and not to exceed $38,254,000 shall be available for information services: *Provided*, That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: *Provided further*, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: *Provided further*, That of the funds appropriated under this heading, not less than $7,000,000 shall be for the contract tower cost-sharing program: *Provided further*, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: *Provided further*, That none of the funds in this Act shall be available for new applicants for the second career training program: *Provided further*, That none of the funds in this Act shall be available for paying premium pay under 5 U.S.C. 5546(a) to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay: *Provided further*, That none of the funds in this Act may be obligated or expended to operate a manned auxiliary flight service station in the contiguous United States: *Provided further*, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund: *Provided further*, That of the funds provided under this heading, $4,000,000 is available only for recruitment, personnel compensation and benefits, and related costs to raise the level of operational air traffic control supervisors to the level of 1,846: *Provided further*, That none of the funds in this Act may be obligated or expended for an employee of the Federal Aviation Administration to purchase a store gift card or gift certificate through use of a Government-issued credit card.

POINT OF ORDER

Mr. MICA. Mr. Chairman, I raise a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MICA. Mr. Chairman, I raise a point of order against the phrase, ''of

which $6,002,000,000 shall be derived from the airport and airway trust fund,'' beginning on page 6, line 13 and ending on line 14.

This provision violates clause 2 of rule XXI. It changes existing law and, therefore, constitutes legislating on an appropriations bill in violation of House rules.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mr. ISTOOK. Mr. Chairman, I wish to be heard on the point of order.

First, I believe the point of order would properly lie against the entire paragraph. However, in this case, and I want to make sure this is agreeable with my counterpart, the gentleman from Florida (Mr. MICA), I intend to offer an amendment after the sustaining of the point of order to insert the language, ''of which $4.972 billion shall be derived from the airport and airway trust fund,'' effectively reinserting the stricken provision but changing the dollar figure from $6.2 billion to $4.972, which I believe satisfies the parliamentary requirements.

Mr. MICA. Mr. Chairman, if the gentleman will yield, I have no objection to that.

Mr. ISTOOK. Mr. Chairman, with that in mind, I will not ask that the point of order be expanded.

The CHAIRMAN. The Chair will not permit a colloquy on this, but will hear each gentleman in turn. Does the gentleman concede the point of order?

Mr. ISTOOK. I do.

The CHAIRMAN. The point of order is conceded and sustained, and the language identified by the point of order is stricken from the bill.

AMENDMENT OFFERED BY MR. ISTOOK

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

The Clerk read as follows:

Amendment offered by Mr. ISTOOK:

On page 6 of the bill, after ''$7,726,000,000,'' insert: ''of which $4,972,000,000 shall be derived from the Airport and Airway Trust Fund,''.

Mr. ISTOOK. Mr. Chairman, this simply changes the figure that comes from the airport trust fund to satisfy the point of order that was raised without doing further damage to this section of the bill. I ask that it be adopted.

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Mr. MICA. Mr. Chairman, we agree with that amendment and urge its adoption.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma (Mr. ISTOOK).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, technical support services, improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment, as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this heading; to be derived from the Airport and Airway Trust Fund, $2,500,000,000, of which $2,056,300,000 shall remain available until September 30, 2007, and of which $443,700,000 shall remain available until September 30, 2005: *Provided,* That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: *Provided further,* That upon initial submission to the Congress of the fiscal year 2006 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2006 through 2010, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget: *Provided further*, That of the funds provided under this heading, not less than $3,000,000 is for contract audit services provided by the Defense Contract Audit Agency.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $117,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2007: *Provided,* That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

RESCISSION OF CONTRACT AUTHORIZATION

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for grants authorized under section 41743 of title 49, United States Code; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, $3,200,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided,* That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of $3,993,000,000 in fiscal year 2005, notwithstanding section 47117(g) of title 49, United States Code: *Provided further,* That none of the funds under this heading shall be available for the replacement of baggage conveyor systems, reconfiguration of terminal baggage areas, or other airport improvements that are necessary to install bulk explosive detection systems: *Provided further,* That notwithstanding any other provision of law, not more than $69,302,000 of funds limited under this heading shall be obligated for administration and not less than $20,000,000 shall be for the Small Community Air Service Development Pilot Program: *Provided further,* That of the funds made available for the Small Community Air Service Development Pilot Program, $4,000,000 shall be for airports which have been discontinued from the Essential Air Service program since January 1, 2001: *Provided further,* That of amounts available in this or prior year Acts under 49 U.S.C. 48112 and 48103, as amended, $758,000,000 are rescinded.

POINT OF ORDER

Mr. MICA. Mr. Chairman, I raise a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MICA. Mr. Chairman, I raise a point of order against page 11, line 13, beginning with in ''for grants,'' through page 11, line 18, ending with ''United States Code.''

This provision violates clause 2 of Rule XXI. It provides an appropriation not supported by authorization in violation of House rules.

The CHAIRMAN. Do other Members wish to be heard on the point of order?

Mr. ISTOOK. Mr. Chairman, I insist that the point of order be expanded to lie against the entire paragraph.

The CHAIRMAN. The point of order is expanded and is pending against the entire paragraph.

Does any Member wish to be heard further on the point of order? If not, the Chair will rule.

The provision proposes to appropriate certain funds in the bill. Under clause 2(a) of rule XXI, such an earmarking must be specifically authorized by law. The burden of establishing the authorization in law rests in this instance with the committee. Finding that this burden has not been carried, the point of order is sustained and the paragraph is stricken from the bill.

Mr. MICA. Mr. Chairman, how far would that strike through, to what line and page?

The CHAIRMAN. It would strike the entire paragraph.

Mr. MICA. Mr. Chairman, through page 12, line 15?

The CHAIRMAN. The gentleman is correct.

The Clerk will read.

Mr. POMEROY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to engage in a colloquy with the gentleman from Oklahoma (Mr. ISTOOK), the distinguished chairman of the Subcommittee on Transportation, Treasury and Independent Agencies of the Committee on Appropriations.

Mr. Chairman, I rise on behalf of the gentleman from New Hampshire (Mr. BASS), the gentlewoman from Pennsylvania (Ms. HART) and Resident Commissioner, the gentleman from Puerto

Rico (Mr. ACEVEDO-VILÁ) to discuss an issue that is critical to our districts, air traffic control training programs.

As you know, the Air Traffic Collegiate Training Initiative, also known as CTI, is a successful program that provides the Federal Aviation Administration an educated pool of candidates to meet its air traffic controller staffing needs.

I am proud to inform you that the University of North Dakota's air traffic controller program is one of the 13 FAA approved and certified CTI programs that graduates exemplary students ready for assignment with the FAA.

As a strong supporter of the Air Traffic Collegiate Training Initiative Program, I am concerned that the proposed report language in fiscal year 2005 House, Transportation and Related Agencies appropriation bill may effect the current role CTI programs play in the Federal Aviation Administration's training process. Some may read this report language as requiring all new air traffic controllers to receive their initial training at the FAA Academy. I would appreciate the chairman's confirmation that this proposed report directive does not jeopardize the status of CTI programs as an integral part of the FAA's training process.

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

Mr. POMEROY. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. I thank the gentleman from North Dakota for raising this important issue. I welcome the opportunity to set record straight.

As you know, the fiscal year 2005 House Transportation Appropriations bill provides the FAA with an additional $9 million for additional hiring and training of air traffic controllers. This $9 million is above the amount already budgeted by the FAA.

Our report does not specify how much has to go for salaries and how much for training, but we can safely assume the majority will go for salaries. Probably no more than $2 million to $4 million more of those funds would be for the actual training.

The base budget for the FAA includes $47.5 million for controller training. Our bill allows that money to be used at the discretion of the FAA at the CTI programs, at the FAA Academy or elsewhere. Contrary to inaccurate press report, this report language does not affect the role of CTI programs as a vital source of air traffic control candidates for the FAA. The language only directs that the portion of the extra $9 million that is used for training is to be used at the FAA Academy. But that leaves the overwhelming majority of training funds that are in the base budget, $47.5 million, at the discretion of the FAA, which can include the CTI programs at the same level as currently.

This report language does not affect the role that CTI programs play in the training process of the FAA. There is nothing in this bill that prevents CTI programs such as the one in the gentleman's district at the University of North Dakota from continuing in the same level and scope as they do currently.

Mr. POMEROY. Mr. Chairman, reclaiming my time, that was a very important clarification for us. I thank the gentleman for participating in it.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wanted to briefly explain what is happening here with these points of order that are being raised by the Committee on Transportation and Infrastructure and the subsequent points of order that are being raised by the Committee on Appropriations.

The bill was finely tuned and very well crafted. The gentleman from Oklahoma (Mr. ISTOOK), of the subcommittee, did a really good job bringing out a transportation bill. They could have used more money but they had a certain amount available and they used it wisely. But when the Committee on Transportation and Infrastructure raises their points of order, and when the gentleman from Florida (Mr. MICA) concludes raising these points of order, this bill will be at least a billion dollars over its 302(b) allocation. And, of course, we have committed ourselves, since I have been chairman of this committee, to staying within our 302(a) allocation and the subcommittees to staying within their 302(b) allocations.

So we are required to raise our own points of order to deal with unauthorized projects that we had agreed to fund but that we will no longer be able to fund, because the points of order raised by the Committee on Transportation and Infrastructure will take us beyond our 302(b) allocation.

I explain that in advance because very shortly I will raise several points of order that will bring the bill back into balance within the 302(b) allocation.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

GENERAL PROVISIONS—FEDERAL AVIATION ADMINISTRATION

SEC. 101. Notwithstanding any other provision of law, airports may transfer, without consideration, to the Federal Aviation Administration (FAA) instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to FAA design and performance specifications, the purchase of which was assisted by a Federal airport-aid program, airport development aid program or airport improvement program grant: *Provided*, That, the Federal Aviation Administration shall accept such equipment, which shall thereafter be operated and maintained by FAA in accordance with agency criteria.

SEC. 102. None of the funds in this Act may be used to compensate in excess of 375 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2005.

SEC. 103. None of the funds made available in this Act may be used for engineering work related to an additional runway at Louis Armstrong New Orleans International Airport.

AMENDMENT OFFERED BY MR. JEFFERSON

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

The Clerk read as follows:

Amendment offered by Mr. JEFFERSON:
Page 13, strike lines 11 through 14.

Mr. JEFFERSON. Mr. Chairman, this amendment is offered because the provision is dated by some 3½ years. It has been carried over year after year. It prohibits the use of engineering funds in the program for engineering work related to an additional runway.

It raises an issue of concern on the part of our authority with respect to planning. It was ostensibly placed in the bill, in the legislation some years ago because of concerns about practices that a prior administration that existed some 2 years ago now, which has been replaced by a new aviation board, a new mayor, widely regarded as a reforming regime, and is simply now in the way of appropriate planning.

There are issues of safety, issues of security, issues now even of evacuation as we try and move people. It is very important our airport be permitted to plan as it should. So this provision is dated and I urge that it be stricken from the bill.

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

Mr. ISTOOK. Mr. Chairman, I move to strike the last word.

I do want to speak against the amendment offered by the gentleman from Louisiana (Mr. JEFFERSON). This particular language has been carried in this bill, I understand, for several years. The airport is actually in the district of the gentleman from Louisiana (Mr. TAUZIN), who I understand is in the hospital currently, but he strongly desires the provision to remain in the bill and not be stricken.

I am also advised that the gentleman from Louisiana (Mr. VITTER), another of the Louisiana Members whose district adjoins the airport, strongly supports keeping this provision in the bill.

Members should have the right, Mr. Chairman, to protect their district. The runway would not, as I understand it, be in the district of the gentleman from Louisiana (Mr. JEFFERSON), though I understand his concern for his State and for the overall community. I do ask, however, that the amendment be opposed, that it remain in the bill, and that we respect the wishes of the Members who are most closely involved and fully informed on this problem.

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

Mr. ISTOOK. I yield to the gentleman from Louisiana.

Mr. JEFFERSON. I wish to inform the gentleman that the airport is in the district that I represent. It is not in the gentleman from Louisiana's (Mr. TAUZIN) district or the gentleman from Louisiana's (Mr. VITTER) district.

It may be that a part of the runway may stretch into the area but the airport is in my district. It is not in the

district of the gentleman as you have so stated. So I want that corrected.

We have a vital interest in this. It is the city's property. It is the district's property that I represent and, really, we have the greatest interest in the outcome here.

Mr. ISTOOK. I understand that. I appreciate the gentleman. I do not want to be incorrect on any of these things.

It is obviously a project that affects a multiplicity of districts, the way the boundaries are configured. I do ask that the language remain in the bill.

Mr. OLVER. Mr. Chairman, I move to strike the last word.

If I understand, Mr. Chairman, the argument that was used, the reasoning that was used by the chairman and then the correction that was made by the gentleman from Louisiana (Mr. JEFFERSON), it would appear to me that using the gentleman from Oklahoma's (Mr. ISTOOK) argument, that this language should be stricken from the bill because the area involved is in the district of the member from Louisiana (Mr. JEFFERSON). So I would support the gentleman from Louisiana (Mr. JEFFERSON) in his position.

The CHAIRMAN. The question on the amendment offered by the gentleman from Louisiana (Mr. JEFFERSON).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 104. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, or weather reporting: *Provided*, That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on ''below-market'' rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities.

SEC. 105. None of the funds appropriated or limited by this Act may be used to change weight restrictions or prior permission rules at Teterboro Airport in Teterboro, New Jersey.

SEC. 106. WAR RISK INSURANCE.—Title 49, United States Code, is amended:

(a) In section 44302(f) by striking ''August 31, 2004, and may extend through December 31, 2004,'' and inserting in lieu thereof ''December 31, 2005''.

(b) In section 44302(g)(1) by striking ''may provide'' and inserting in lieu thereof ''shall make available''.

(c) In section 44303(b) by—

(1) striking ''December 31, 2004'' and inserting in lieu thereof ''December 31, 2005.''

(2) striking the phrase ''may extend'' in the last sentence of the subsection and inserting in lieu thereof ''shall extend''.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Necessary expenses for administration and operation of the Federal Highway Administration, not to exceed $346,000,000, shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration.

POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, I raise a point of order.

For the reasons that I announced earlier I make a point of order on page 14, line 21 to page 15, line 3, because it provides an appropriation for an unauthorized program and, therefore, violates section 2(a) of rule XXI. Clause 2 of rule XXI states in pertinent part, ''An appropriation may not be in order for an expenditure not previously authorized by law.''

Mr. Chairman, this program is unauthorized and I insist on my point of order.

NOTICE

Incomplete record of House proceedings. Except for concluding business which follows, today's House proceedings will be continued in the next issue of the Record.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Ms. PELOSI) for today on account of medical reasons.

Mr. EVERETT (at the request of Mr. DELAY) for today after 6:00 p.m. and the balance of the week on account of the hurricane.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCDERMOTT) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mr. FRANK of Massachusetts, for 5 minutes, today.

Mr. LEWIS of Georgia, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. PEARCE) to revise and extend their remarks and include extraneous material:)

Mr. OSBORNE, for 5 minutes, today.

Mrs. BLACKBURN, for 5 minutes, today.

Mr. GINGREY, for 5 minutes, September 15.

Ms. HARRIS, for 5 minutes, September 15.

ADJOURNMENT

Mr. PEARCE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 44 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 15, 2004, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9557. A communication from the President of the United States, transmitting requests for additional emergency FY 2004 supplemental appropriations for the Departments of Defense, Health and Human Services, Homeland Security, Housing and Urban Development, the Interior, and Veterans Affairs, the Corps of Engineers, the National Aeronautics and Space Administration, the Small Business Administration, and the Executive Office of the President; (H. Doc. No. 108–215); to the Committee on Appropriations and ordered to be printed.

9558. A letter from the Chairman, Commission on Review of Overseas Military Facility Structure of the United States, transmitting as prescribed by Congress, a copy of the Commission's charter, pursuant to 10 U.S.C. 111 note, Public Law 108–132, section 128(b)(3)(A), (117 Stat. 1383); to the Committee on Armed Services.

9559. A letter from the Acting Comptroller, Department of Defense, transmitting a notice that the Department of the Navy is pursing a multiyear procurement (MYP) for fiscal year 2004 through fiscal year 2008, pursuant to Public Law 108–87 and Public Law 108–136; to the Committee on Armed Services.

9560. A letter from the Legal Advisor to Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations. (Rutland, Vermont) [MB Docket No. 02–66; RM–10252] received September 10, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9561. A letter from the Legal Advisor to Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations. (Anchorage, Alaska) [MB Docket No. 04–189; RM–10962] received September 10, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9562. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the