

constructive and positive in maybe transit issues or water issues or whatever issues might be relevant at that time?

Ms. MILLENDER-McDONALD. Mr. Chairman, reclaiming my time, to the contrary, local governments have tried to ensure and to maintain their local control, thereby not asking the Federal Government to intrude at all. In my experience as a mayor of a city, I know firsthand how joint powers of authority work independent of Federal Government, and this is the way it should be in Houston, as it is in other cities around the country.

Ms. JACKSON-LEE of Texas. Mr. Chairman, if the gentlewoman would yield further, I hope this amendment will be supported by my colleagues on both sides of the aisle, because I restate the fact that I have come to do nothing more than to strike language. I am not asking for money, I am not asking to add any language.

I could have come here with an amendment responding to neighborhoods crying for light rail. Why is not Acres Home not more expanded with the light rail? Why is it not more in our rural areas or suburban areas at this point, because it is geared to going there? Why is Northeast not included at this time? What is the status of Harrisburg?

All of those issues we are going to work on locally. I do not intend to give up on them, but I believe we will do that locally with Members of Congress, county governments, city government, the business community and, of course, the voters.

My point here, listening to the gentlewoman, appears to be reinforced, that what we are doing with this language, the only city in the Nation, is undermining what the local officials have done. And as I understand what the gentlewoman has just suggested, that is clearly an intrusion that is not welcomed by local government that works so very hard.

I thank the gentlewoman for yielding. I hope that out of her, if you will, solicitation, that we will be able to have our colleagues supporting us on both sides of the aisle. The Committee on Transportation and Infrastructure has been very, very receptive and warm to our needs in Houston, and the Committee on Appropriations. The gentleman from Massachusetts (Mr. OLVER) and, of course, the chairman, have been very welcoming to the mobility needs we have had.

I would simply say, being supportive of local needs, I have supported roads and toll roads, as have my other colleagues. But yet when it comes to light rail, we allow this to be so divisive. This language should be stricken, we should never see it again, and we should stop this decisive debate on the floor of the House when the community has actually come together.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) will be postponed.

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

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HAYES) having assumed the chair, Mr. DREIER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2989) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes, had come to no resolution thereon.

#### MESSAGE FROM THE SENATE

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

H.R. 6. An Act to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 6) "An Act to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes" and requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints under authority of the order of July 31, 2003, Mr. DOMENICI, Mr. NICKLES, Mr. CRAIG, Mr. CAMPBELL, Mr. THOMAS, Mr. GRASSLEY, Mr. LOTT, Mr. BINGAMAN, Mr. DORGAN, Mr. GRAHAM of Florida, Mr. WYDEN, Mr. JOHNSON, and Mr. BAUCUS, to be the conferees on the part of the Senate.

#### LIMITATION ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 2989, TRANSPORTATION, TREASURY, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2004

Mr. ISTOOK. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 2989 in the Committee of the Whole, pursuant to House Resolution 351, no amendment to the bill may be offered except pro forma amendments by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate; the amendments printed in the CONGRESSIONAL RECORD and numbered 1, 6, 11, 14 and 24;

the amendment printed in the CONGRESSIONAL RECORD and numbered 2, which shall be debatable for 15 minutes; the amendment printed in the CONGRESSIONAL RECORD and numbered 15, which shall be debatable for 20 minutes; an amendment by Mr. HASTINGS of Florida regarding OMB Circular A-76, which shall be debatable for 30 minutes; one proper amendment by Mr. SANDERS regarding a district court memorandum and order addressing IBM's pension plan, which shall be debatable for 1 hour; an amendment by Ms. KAPTUR regarding the Help America Vote Act; an amendment by Mr. VAN HOLLEN regarding OMB Circular A-76, which shall be debatable for 30 minutes; one proper amendment by Mr. FLAKE regarding Cuba travel, which shall be debatable for 1 hour; an amendment by Mr. HONDA regarding San Jose light rail; an amendment by Mr. COOPER, Ms. DELAURO, or Ms. KILPATRICK regarding tax law enforcement, which shall be debatable for 1 hour; an amendment by Mr. DAVIS of Florida regarding educational exchanges with Cuba; an amendment by Mr. MICA regarding the National Railroad Passenger Corporation; an amendment by Mr. FARR regarding locality pay; an amendment by Mr. MORAN of Kansas regarding essential air service program.

Each amendment may be offered only by the Member designated or a designee, or the Member who caused it to be printed, or a designee; shall be considered as read; shall not be subject to amendment; and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. Except as specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

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

Mr. OBEY. Mr. Speaker, reserving the right to object, under my reservation I would ask the gentleman if this agreement is entered into, what would be the schedule for the remainder of the day and tomorrow?

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

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

Mr. ISTOOK. Mr. Speaker, as I understand the intent, we will proceed tonight for approximately 1 hour further, after which time any votes that have been rolled will be held. After that time consideration of this bill would cease until next Tuesday, when we would complete consideration of the bill under the unanimous consent agreement.

Mr. OBEY. And tomorrow?

Mr. ISTOOK. Tomorrow, not being in charge of the schedule, I can only tell

you my understanding. It is my understanding that tomorrow we would proceed to the District of Columbia appropriations bill.

Mr. OBEY. So, to repeat, we would be finished with consideration of this bill until Tuesday after the votes on amendments are taken in approximately 1 hour?

Mr. ISTOOK. That is correct.

Mr. OBEY. And then tomorrow it is the gentleman's understanding that the District of Columbia appropriation bill would be considered?

Mr. ISTOOK. Yes. Of course, there might be other further business before the House in addition to that. I do not know the exact schedule.

Mr. OBEY. I had thought that there would be one additional matter which would be before the House. My understanding is that we were going to have the naming of energy conferees tomorrow, as well as a motion to instruct.

Mr. ISTOOK. I was just so advised that the gentleman is correct.

Mr. OBEY. I am corrected. I am told the energy conference debate would occur tonight.

Mr. ISTOOK. I am told there is the possibility that the chairman and ranking member are discussing the timing of that right now. That is what I am told.

Mr. OBEY. Mr. Speaker, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

#### GENERAL LEAVE

Mr. ISTOOK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2989, and that I may include tabular and extraneous material.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

#### TRANSPORTATION, TREASURY, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore. Pursuant to House Resolution 351 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2989.

□ 1915

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2989) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes, with Mr. DREIER in the chair.

The Clerk read the title of the bill.

□ 1915

The CHAIRMAN. When the Committee of the Whole rose earlier today, a request for a recorded vote on the amendment by the gentlewoman from Texas (Ms. JACKSON-LEE) had been postponed.

Pursuant to the order of the House of today, no amendment to the bill may be offered except:

Pro forma amendments by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate;

The amendments printed in the CONGRESSIONAL RECORD and numbered 1, 6, 11, 14 and 24;

The amendment printed in the CONGRESSIONAL RECORD and numbered 2, which shall be debatable for 15 minutes;

The amendment printed in the CONGRESSIONAL RECORD and numbered 15, which shall be debatable for 20 minutes;

An amendment by the gentleman from Florida (Mr. HASTINGS) regarding OMB Circular A-76, which shall be debatable for 30 minutes;

One proper amendment by the gentleman from Vermont (Mr. SANDERS) regarding a district court memorandum and order addressing IBM's pension plan, which shall be debatable for 1 hour;

An amendment by the gentlewoman from Ohio (Ms. KAPTUR) regarding the Help America Vote Act;

An amendment by the gentleman from Maryland (Mr. VAN HOLLEN) regarding OMB Circular A-76, which shall be debatable for 30 minutes;

One proper amendment by the gentleman from Arizona (Mr. FLAKE) regarding Cuba travel, which shall be debatable for 1 hour;

An amendment by the gentleman from California (Mr. HONDA) regarding San Jose light rail;

An amendment by the gentleman from Tennessee (Mr. COOPER), the gentlewoman from Connecticut (Ms. DELAURO) or the gentlewoman from Michigan (Ms. KILPATRICK) regarding tax law enforcement, which shall be debatable for 1 hour;

An amendment by the gentleman from Florida (Mr. DAVIS) regarding educational exchanges with Cuba;

An amendment by the gentleman from Florida (Mr. MICA) regarding the National Railroad Passenger Corporation;

An amendment by the gentleman from California (Mr. FARR) regarding locality pay;

And an amendment by the gentleman from Kansas (Mr. MORAN) regarding essential air service program.

Each amendment may be offered only by the Member designated, or a designee, or the Member who caused it to be printed, or a designee; shall be considered as read; shall not be subject to amendment; and shall not be subject to a demand for a division of the question. Except as specified, each amendment

shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

Mr. ISTOOK. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 157, line 2 be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The text of the bill from page 53, line 3, through page 157, line 2 is as follows:

SEC. 164. Section 5323(j) of title 49, United States Code, is amended—

(1) by adding at the end of paragraph (1) the following: "The term 'manufactured goods' as used in this paragraph means each individual item specified in each line item of a procurement. If the individual items to be procured are listed in the bill of materials and specifications rather than a line item, the term 'manufactured goods' shall apply to each such item. The definition of 'manufactured goods' shall not be applicable to the procurement of rolling stock as set forth in paragraph (2)(C).";

(2) by redesignating paragraphs (3) through (7) as paragraphs (4) through (8), respectively;

(3) by inserting after paragraph (2) the following:

"(3) When issuing a waiver based upon a public interest determination under paragraph (2)(A), the Secretary shall produce a detailed written justification as to why the waiver is in the public interest. The Secretary shall publish this justification in the Federal Register and provide the public a reasonable period for notice and comment."; and

(4) by adding at the end of the following:

"(9) APPLICATION OF WAIVERS.—The Secretary may grant a waiver under paragraph (2) for a microprocessor, but not for microcomputer equipment. For purposes of this paragraph 'microprocessor' means a computer processor on a microchip.

"(10) ADMINISTRATIVE REVIEW.—A party adversely affected by an agency action under this subsection shall have the right to seek review under section 702 of the Administrative Procedure Act, title 5, United States Code."

SEC. 165. Notwithstanding any other provision of law, funds made available for the Roaring Fork Transportation Authority, Colorado, under Public Laws 106-69 and 106-346 shall be made available for the Roaring Fork Valley Bus Rapid Transit project.

#### SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

#### OPERATIONS AND MAINTENANCE (HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations and maintenance of those portions of the Saint