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House of Representatives

TRANSPORTATION, TREASURY,
AND INDEPENDENT AGENCIES
APPROPRIATIONS ACT, 2005—Con-
tinued

□ 1800

The CHAIRMAN. Do any other Mem-
bers wish to be heard on the point of
order? If not, the Chair is prepared to
rule.

The paragraph proposes to appro-
priate certain funds for specified ob-
jects. Under clause 2(a) of rule XXI,
such an earmarking must be specifi-
cally authorized by law. The burden of
establishing the authorization in law
rests with the committee. Finding that
this burden has not been carried, the
Chair sustains the point of order, and
the paragraph is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

FEDERAL-AID HIGHWAYS
(LIMITATION ON OBLIGATIONS)
(HIGHWAY TRUST FUND)

None of the funds in this Act shall be
available for the implementation or execu-
tion of programs, the obligations for which
are in excess of \$34,641,000,000 for Federal-aid
highways and highway safety construction
programs for fiscal year 2005: *Provided*, That
within the \$34,641,000,000 obligation limita-
tion on Federal-aid highways and highway
safety construction programs, not more than
\$478,000,000 shall be available for the imple-
mentation or execution of programs for
transportation research (sections 502, 503,
504, 506, 507, and 508 of title 23, United States
Code, as amended; section 5505 of title 49,
United States Code, as amended; and sec-
tions 5112 and 5204-5209 of Public Law 105-178)
for fiscal year 2005: *Provided further*, That
this limitation on transportation research
programs shall not apply to any authority
previously made available for obligation.

POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chair-
man, again I rise to offer a point of
order.

Mr. Chairman, on page 15, line 4, to
page 15, line 22, I raise a point of order
on that language because it provides an
appropriation for an unauthorized pro-

gram and, therefore, violates section
2(a) of rule XXI. Clause 2 of rule XXI
states in pertinent part, an appropria-
tion may not be in order for an expendi-
ture not previously authorized by law.

Mr. Chairman, this program is not
authorized, and I insist on my point of
order.

The CHAIRMAN. Are there further
Members desiring to be heard on the
point of order? The Chair is prepared to
rule.

The paragraph proposes to appro-
priate certain funds for specified ob-
jects. Under clause 2(a) of rule XXI,
such an earmarking must be specifi-
cally authorized by law. The burden of
establishing the authorization in law
rests with the committee. Finding that
this burden has not been carried, the
Chair sustains the point of order. The
paragraph is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

FEDERAL-AID HIGHWAYS
(LIQUIDATION OF CONTRACT AUTHORIZATION)
(HIGHWAY TRUST FUND)

Notwithstanding any other provision of
law, for carrying out the provisions of title
23, United States Code, that are attributable
to Federal-aid highways, including the Na-
tional Scenic and Recreational Highway as
authorized by 23 U.S.C. 148, not otherwise
provided, including reimbursement for sums
expended pursuant to the provisions of 23
U.S.C. 308, \$35,000,000,000 or so much thereof
as may be available in and derived from the
Highway Trust Fund, to remain available
until expended.

POINT OF ORDER

Mr. MICA. Mr. Chairman, I raise a
point of order against the phrase "not-
withstanding any other provision of
law," on page 16, line 4.

This phrase 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. Do any further
Members wish to be heard on the point
of order? If not, the Chair is prepared
to rule.

The Chair finds that this language
explicitly supersedes existing law. The
language, therefore, constitutes legisla-
tion in violation of clause 2 of rule
XXI. The point of order is sustained,
and the phrase identified by the point
of order is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

FEDERAL-AID HIGHWAYS
HIGHWAY TRUST FUND
(RESCISSION)

Of the unobligated balances of funds appor-
tioned to each State under the programs au-
thorized under sections 1101(a)(1), 1101(a)(2),
1101(a)(3), 1101(a)(4), and 1101(a)(5) of Public
Law 105-178, as amended, \$386,000,000 are re-
scinded.

POINT OF ORDER

Mr. MICA. Mr. Chairman, I raise a
point of order against page 16, line 13,
through line 20. This provision violates
clause 2 of rule XXI. It changes exist-
ing law and, therefore, constitutes leg-
islating on an appropriations bill in
violation of the House rules.

The CHAIRMAN. Does any other
Member desire to be heard on the point
of order? If not, the Chair is prepared to
rule.

The paragraph identified in the point
of order by the gentleman from Florida
rescinds contract authority provided in
a law other than an appropriation Act.
As such, the paragraph constitutes leg-
islation on an appropriation bill in vi-
olation of clause 2 of rule XXI. The
point of order is sustained, and the
paragraph is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

GENERAL PROVISIONS—FEDERAL HIGHWAY
ADMINISTRATION

SEC. 121. (a) For fiscal year 2005, the Sec-
retary of Transportation shall—

(1) not distribute from the obligation limi-
tation for Federal-aid Highways amounts au-
thorized for administrative expenses by sec-
tion 104(a)(1)(A) and 104(a)(1)(B) of title 23,
United States Code, for the highway use tax
evasion program, and for the Bureau of
Transportation Statistics;

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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