

## NOT VOTING—7

Doyle	Hastings (WA)	Millender-
Emerson	Johnson, E. B.	McDonald
Filner	Menendez	

1501

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 226 on H.R. 2528, I was in my Congressional District on official business. Had I been present, I would have voted "nay."

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO HAVE UNTIL MIDNIGHT, JUNE 3, 2005 TO FILE PRIVILEGED REPORT ON AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATION ACT, 2006

Mr. BONILLA. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations have until midnight, June 3, 2005, to file a privileged report on a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

The SPEAKER pro tempore (Mr. GILLMOR). Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 1 of rule XXI, all points of order are reserved on the bill.

PERMISSION FOR THE PERMANENT SELECT COMMITTEE ON INTELLIGENCE TO HAVE UNTIL MIDNIGHT, JUNE 3, 2005 TO FILE PRIVILEGED REPORT ON H.R. 2475, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2006

Mr. HOEKSTRA. Mr. Speaker, I ask unanimous consent that the Permanent Select Committee on Intelligence may have until midnight, June 3, 2005 to file a privileged report on the bill, H.R. 2475, the Intelligence Authorization Act for Fiscal Year 2006.

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

There was no objection.

PERMISSION FOR REDACTION OF MISSTATEMENT FROM CONGRESSIONAL RECORD

Mr. EDWARDS. Mr. Speaker, today I made a factual statement about Secretary Rumsfeld. I later corrected myself. But to ensure against the possibility that the initial misstatement might be viewed out of context with the correction, I ask unanimous consent to redact my initial reference to Secretary Rumsfeld and the statement of correction from the RECORD.

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

There was no objection.

ANNOUNCEMENT REGARDING H.R. 2475, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2006

(Mr. HOEKSTRA asked and was given permission to address the House for 1 minute.)

Mr. HOEKSTRA. Mr. Speaker, I wish to announce to all Members of the House that the Permanent Select Committee on Intelligence has ordered the bill, H.R. 2475, the Intelligence Authorization Act for Fiscal Year 2006, reported favorably to the House with an amendment. The committee's report will be filed next week under the unanimous consent just agreed to.

Mr. Speaker, I would also like to announce that the classified Schedule of Authorizations and the classified Annex accompanying the bill will be available for review by Members at the offices of the Permanent Select Committee on Intelligence in Room H-405 of the Capitol beginning any time after the report is filed. The committee office will be open during regular business hours for the convenience of any Member who wishes to review this material prior to its consideration by the House. I anticipate that H.R. 2475 will be considered on the floor of the House the first week after the recess.

I recommend that Members wishing to review the classified Annex contact the committee's Director of Security to arrange a time and date for that viewing. This will assure the availability of committee staff to assist Members who desire assistance during their review of these classified materials.

I urge interested Members to review these materials in order to better understand the committee's recommendation. The classified Annex to the committee's report contains the committee's recommendations on the intelligence budget for Fiscal Year 2006 and related classified information that cannot be disclosed publicly.

It is important that Members keep in mind the requirements of clause 13 of House rule XXIII, which only permits access to classified information by those Members of the House who have signed the oath provided for in the rule. Members are advised that it will be necessary to bring a copy of the rule XXIII oath signed by them when they come to the committee offices to review the material.

If a Member has not yet signed the oath, but wishes to review the classified Annex and Schedule of Authorizations, the committee staff can administer the oath and see to it that the executed form is sent to the Clerk's office.

In addition, the committee's rules require that Members agree in writing to a nondisclosure agreement. The agreement indicates that the Member has

been granted access to the classified Annex and that they are familiar with the rules of the House and the committee with respect to the classified nature of that information and the limitations on the disclosure of that information.

APPOINTMENT OF CONFEREES ON H.R. 3, TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

Is there objection to the request of the gentleman from Alaska?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. OBERSTAR

Mr. OBERSTAR. Mr. Speaker, I offer a motion to instruct.

The Clerk read as follows:

Mr. Oberstar moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H.R. 3) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes, be instructed to insist on a level of funding for highway, transit, and highway and motor carrier safety programs equal to: (1) the level of funding provided in H.R. 3 (\$283.9 billion); plus (2) the additional resources necessary to increase the guaranteed rate of return for States to not less than 92 percent while ensuring that each State receives no less than it is provided under H.R. 3.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Alaska (Mr. YOUNG) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. OBERSTAR).

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

Mr. Speaker, yesterday, when we passed the legislation to extend highway programs for another 30 days, I said that the most hopeful sign for the upcoming conference was the apparent agreement that the chairman of our committee, the gentleman from Alaska (Mr. YOUNG) would chair the conference. That assures that this conference will move expeditiously, on time, with attention to detail and with a deliberate spirit of achieving all that we need to do in policy and financing to get a bill back, a conference report back to the House, to the other body and downtown to be signed.

I know how hard the chairman has worked, how much time and effort and commitment he has made personally to that initiative, and I am proud to work alongside with him.

The motion to instruct that I offer directs House conferees to do two things: Insist in the conference on a level of funding for highway transit

and highway and motor carrier safety programs equal to the level of funding that is in the bill that passed this body, was reported from our committee, passed this body, 283.9, it should be 284, but who is going to quibble with Filene's Basement's version of transportation, and the additional resources necessary to increase the guaranteed rate of return for States to not less than 92 percent, while ensuring that every State gets no less than we provided for every State in our version of the bill.

It has been our goal all along to increase from 90.5 to 92 percent. The question of equity has been central to last year's and the year before and this year's reauthorization debate on surface transportation. In fact, the very title of our bill, Transportation Equity Act: A Legacy for Users, makes equity the very top issue in our legislation.

Donor States, as we have heard for months and months, want their guaranteed rate of return raised from 90.5 percent to as much as 95 percent. Now, we could do 95 percent handily at \$375 billion, the bill that the chairman and I agreed upon, and 74 to 75 members of our committee cosponsored, but that was not possible under the politics of transportation. We understand that.

Donee States, on the other hand, want to ensure that they continue receiving the adequate highway transportation funding that they have been accustomed to and committed to. So the bipartisan bill that we reported from committee in the last Congress set the level at \$375 billion.

We knew that that was not going to be acceptable downtown or very likely in the other body, so we scaled the bill back to \$275 billion. But even then the administration threatened to veto a bill with funding above its view of the proper investment level, which was a paltry \$256 billion that everyone, the contractor community, the labor community, the States, the transit authorities, everybody knows that does not build you one more mile of highway, one new bridge or buy one new transit bus or rail car. Everybody knew that. It was completely unrealistic.

When we got into conference last year just before the August recess, the administration finally put on the table \$283.9 billion. And we said, you know, it is movement in the right direction. Let us take it and let us go with this. But we never reached agreement in conference, which is why, of course, we are back here on the floor.

We agreed at the outset of this Congress to start where we left off in the last Congress, without any smoke and mirrors, without any fussing said, this is the number that is realistic, that if you want to do legislation, this is the way to do it. Let us start with this number.

But we also had to face the reality that it is not possible to do anything above 90.5 percent return on equity for those States who want us to move higher, without taking away from

someone else, without doing damage to core programs, without a whole host of other difficulties.

Now, the other body found some money. The other body found \$11 billion; and in their bill, provided \$295 billion in funding and were able to increase the minimum rate of return to 92 percent. Now, whether that \$11 billion is fiscally sound or politically sustainable is a matter we will have to address when we get into conference, which is why this motion to instruct is important.

We all want to achieve equity. We all want to raise those States up. We all understand, as the other body understood, that if they did not raise their numbers to get to be able to commit \$295 billion, they would not be able to achieve the equity they needed for those western States, large geographic areas and large highway mileages and transportation needs, nor would they be able to satisfy the donor States or other, smaller, donee States. So they needed more money. They realistically approached the issue and approved 11 billion additional dollars.

The reality, as we get into conference, we are not going to be able to, without additional resources, to come up to the \$292 billion level. The other body will need to pass a conference report, and we will not be able to bring back to this body a conference report that will satisfy donor States, donee States without additional resources. So that is why the additional resources language is needed.

□ 1515

All of it comes right on the heels of the Texas Transportation Institute Annual report on congestion, their Urban Mobility Report, issued just a few weeks ago, which finds once again, every year, they find congestion increasing. Overall traffic delays totaled 3.7 billion hours, up from 3.6 billion a year ago.

Congestion and delay cause an additional consumption of 2.3 billion gallons of fuel. That means every driver in America in a congested area is spending 1 week longer in their car than they would if they could drive at posted highway speeds, and they are buying one tank of gasoline more than they would if they could drive at posted highway speeds. It is a moral issue because they are taking the name of the Lord more often in traffic on weekdays than they do in church on Sundays.

We need to address that issue, all three of those issues. We are the most mobile society in history. We travel at an increasing rate and we travel in our cars. Population in the decade of the '90s as expressed in the Census of 2000 group is 4 percent. But transportation usage grew 14 percent, 3-plus times as much as population growths. Total vehicle miles traveled, just vehicle miles traveled, rose 19 percent in that decade. Number of households grew 72 percent in that decade, but household vehicle miles soared 193 percent.

The fact is congestion is choking our cities. It is choking off commerce. It is causing business to spend more money. UPS told me that for every 5 minutes' delay they lose \$40 million nationally, every 5-minute delay. There is a business adverse impact unless we make the investment. It is within our hands to do this.

Now, even at the Senate-passed level of 295, we are \$80 billion below where we know we need to be. What we are saying with this motion to instruct is let us go to conference. Let us keep 92 percent the rate of return on the radar screen, which is our objective and the other body's objective, and get the resources we need and do no less for every State in conference than we did in the House bill.

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

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Speaker, I reluctantly oppose this motion to instruct the conferees.

It is a beautifully drafted, I thought, solution to a problem. But I will tell you after reviewing it that if we go to 92 percent and we insist that they be no less than what is in H.R. 3, there will be a problem of having a higher number in de facto. I think we can get there. I just do not think we ought to be instructing the conferees and having the illusion of actually going above to what we vote with 417 votes for in this House.

I will urge the gentleman to consider that as we go to conference that I will do everything in my power to get more money. I think what we ought to be concentrating on is, that yesterday was the seventh extension that we had on this legislation. It is not this body's fault. It is not the House and the people's fault. It is the other side who decided not to finish this product. Yes, we just got the papers today, before we go on this short recess so it has hamstrung us.

I want us to get to conference. I want the conferees to be nominated today. I want us to get the staffs working together to solve this problem. Try to get more money than was there, but sticking with the number of House-passed so that we finally get some stability within the States.

Everything the gentleman said about traffic is absolutely right: it has got worse in the last 4 years. We have seen a tremendous increase of automobile and trade traffic, and we are not addressing that issue as we should be.

I have tried to explain to the people that this is just another step forward. When we do get this bill, it is every intention I have by the first or the middle of June that we will have this bill on the President's desk. But that is just the beginning. We will come back again, and with the gentleman's help,

again and again and again until we solve this problem with transportation in this great Nation of ours.

Yes, we are mobile compared to the rest of the world, but we are very quickly becoming less mobile. We are becoming standing in traffic. We are not able to deliver next day. We are losing effort. We are losing what I call productive hours. And more than that we are losing the edge globally. We are going to have a vote here in the near future on CAFTA, or whatever they call that thing, Central America. We had a vote on NAFTA. We had a vote on GATT. We had a vote on world trade, et cetera, et cetera; and this is well and good, but if we are going to get into that business of trade and production and import and export, we have got to have the transportation system in place. We have to have the rail in place, which it is not.

Every railroad we have today is over-subscribed. We have not laid any new rail access or relieved the congestion on the highway. We have not improved, what I think is necessary, truck lanes, which is in our bill. We have not done the things we should have done and everyone says, well, it will take care of itself. Well, that is a very shortsighted, I think, point of view for this country.

So for those who look upon this bill as the final thing, whatever we come out of a conference, if it is 289, 284, 283, whatever it will be, if it is 290, that is just the beginning. And I hope you take time to understand that.

I again reluctantly oppose the motion to instruct. We will be together in that conference, and we will hopefully together achieve the goals they are seeking.

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

Mr. OBERSTAR. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, I appreciate the comments of the chairman, and I simply reiterate what a delight it is to work with him in concert towards the objective we all share.

Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. DEFAZIO), the ranking member of the Subcommittee on Surface Transportation.

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman. I thank the ranking member for his leadership on this issue, and I thank the chairman for his leadership.

I know that were we acting independently as a committee to formulate the legislation and set the surface transportation policy for the United States of America, the bill would be much more robust than what is before us today. But we have to deal with the facts that are before us.

We are 20 months overdue on a surface transportation reauthorization. We have extended the old transportation bill seven times at lower levels of funding than under any scenario of bill that will come out of any conference with the House and the Senate.

That means that projects have been foregone, investments have not been made, jobs have not been created.

As the gentleman from Minnesota (Mr. OBERSTAR) point out, people are sitting in traffic. We are not keeping up with demand; we are not keeping up with maintenance as we should.

For every billion dollars we invest, now, remember, we are borrowing a pile of money to run this government, \$1.3 billion a minute to run the government. Some of it goes to pay people, not to grow things. Some of it goes to other programs of dubious value. But for this program, for surface transportation, for highways, for roads, for bridges, for mass transit, we are not borrowing the money. The American people have already paid the tax. It is sitting there waiting to be spent, spent productively, putting people to work, and moving us more efficiently and moving goods more efficiently. We should not forego that.

A billion dollars, 47,000 jobs are created or sustained for every billion-dollar investment; \$6.1 billion in additional economic activity; 32 percent of our major roads are in poor or mediocre condition; 28 percent of bridges are structurally deficient or functionally obsolete; 36 percent of the Nation's urban rail vehicles and maintenance facilities, 29 percent of the Nation's bus fleet and maintenance facilities are in substandard or poor condition.

My State alone, the little State of Oregon, has a \$4.7 billion interstate, not intrastate, interstate bridge problem. The interstate that connects Canada, the United States and Mexico; California, Oregon, and Washington, \$4.7 billion.

Our neighbors to the north in Washington State have one problem, a viaduct problem in Seattle, an incredible safety issue on an incredible choke point and problem. That is \$1.5 billion for that one project. And so it is across the country. Member after Member can come forward and enumerate these projects that are necessary, needed investments.

We need the most robust bill possible. I am hopeful that this is the last extension. I am hopeful this will be a conference that comes to a positive conclusion. We can get this done before the end of June with a sense of urgency and with the leadership of these two gentlemen.

Mr. YOUNG of Alaska. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Speaker, I thank the chairman for yielding me time. I must say that I enjoy serving with the gentleman from Minnesota (Mr. OBERSTAR). He certainly is one of the most knowledgeable people on transportation issues. He was working on it long before I came to Congress. We agree on many transportation issues. However, I think we may disagree on this particular action he is asking for the House to take.

To paraphrase him, he said we need to address the problem of people taking

the Lord's name more in traffic than they do in church on Sunday. I am right with him. And I am trying to correct that situation.

Again, we agree that we need to move this process forward. This is the seventh extension. There are people waiting. There are jobs waiting. In some areas, unlike Florida, you only have a certain building season. But we have come to an agreement on a 30-day extension. We are about to appoint conferees and move forward with the process that will finish the job. But we do not want to finish the job and start on a shaky foundation. We would send the wrong message now if we put our position forward, the 283.9 or 284 billion, it is the House position.

Agreeing on 92 and sending a message to conference at this point, I submit, is premature. Why would you show your cards at this particular juncture in the conference process? We may be able to do better. We may not have the money to do the 92. We may be putting ourselves in a very difficult position to start out the conference in already dealing with an administration that we know is temperamental on this issue. So we need to move forward on a good solid foundation.

We do not need to pass this.

The other thing, too, I heard our majority leader address some folks from Florida, and he said in Congress the legislative process is something that is very important. He said they have a term for this in Texas. He said they called it "strategey," just joking of course, for strategy. And I submit this is strategery, not good strategy, because we are not moving forward in a timely fashion.

Members have not been alerted to this action. Some Members, I think, have already departed the Chamber and are on their way to Memorial Day events back in their districts. So from a strategic standpoint, I think we make a mistake by even offering this at this time. I think at the right time with the right strategy that we could do better to move this process and also the dollars forward to build our Nation's infrastructure.

□ 1530

Mr. OBERSTAR. Mr. Speaker, I yield myself 15 seconds.

I appreciate the difficulty in which my committee colleagues find themselves in this matter, but I would also observe that the business of the House is never over until the adjournment vote.

Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy in yielding me this time to speak on his motion to instruct.

And I must say, Mr. Speaker, that I join in the gentleman's assessment of the capacity of the chairman of our committee, who will be chairing the conference committee; and we know

there will be no cell phones that will violate the sanctity of the conference committee activity. Would that it would set the tone for the entire Congress.

I take modest exception to my friend from Florida, because I think the spirit with which this is offered is to, in fact, strengthen the foundation upon which the chairman and the members of our conference committee will go into this discussion. It is an opportunity for us to present a united front in the House.

I think it is quite clear, based on the work that has gone on in the course of the last 2½ years, that there is strong, strong interest and understanding and appreciation of what robust means. This is an opportunity for us to demonstrate once again the breadth of support that our chairman and our leadership take into this conference committee.

It is truly the broadest base of support for a transportation infrastructure bill that we have ever seen. It represents from coast to coast, rural and urban, small State, suburb, not just highway, of which we are deeply concerned, but our chairman and ranking member are deeply appreciative of the relationship of all the transportation modes and many of the smaller projects that are within the ambit of the ISTEA legislation.

This vote on the motion to instruct will clearly strengthen the hand of the Chair and of the House. It is a point of departure. I am willing to follow them forward if we can expand the boundaries here to capture the spirit and the interest and the concern not just of our committee, but the people that we represent at home and the Members in the House.

With all due respect, I would suggest that the offer with which I think this is offered and that I will support is to strengthen the hand of the chairman and ranking member, strengthen the hand of the House, and capture the broad base of support so we can be successful in this important deliberation.

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

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman for yielding me this time, and I echo the remarks of my colleague from Oregon as well the ranking member of the Committee on Transportation and Infrastructure. This is a bipartisan bill. I cannot do anything more than to congratulate Chairman YOUNG and Ranking Member OBERSTAR for the collaborative method in which they have approached the legislation that would provide for transportation for America.

But, Mr. Speaker, this motion to instruct is a big plus for the State of Texas because of the great changing needs that we are facing: The congestion that we are facing not only in our cities, but in our rural areas, the necessity of urban areas to have sound walls

in order to ensure that transportation is near neighborhoods, the increasing use of toll roads, primarily because there is need for more money to provide for transportation, the lack of dollars to help with our rail systems throughout America.

Clearly, we need to ensure that the funding in H.R. 3, that was collaboratively voted on in a bipartisan manner, is preserved and to instruct that our States receive the dollars necessary for safety and for transportation. This motion to instruct is simply a gift to the conferees in order to give them the enhanced instruction to make the transportation bill the one that provides jobs, builds highways, provides highway safety programs and transit programs; and for me, happening to be a mass transit supporter, we would hope these dollars would also be focused on bus transportation and mass transportation, including light rail, which is so needed in the city of Houston.

So I hope my colleagues will support enthusiastically this motion to instruct because, again, it provides a solid foundation for us to build a new and innovative transportation system for all of America.

Mr. OBERSTAR. Mr. Speaker, I yield myself 15 seconds to thank the gentlewoman from Houston for her thoughtful remarks, representing the Nation's fourth largest urban area. She certainly knows whereof she speaks about transportation and congestion.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Florida (Ms. CORRINE BROWN), the ranking member on our Subcommittee on Railroads.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I thank the gentleman for yielding me this time, and I want to thank Chairman YOUNG and Chairman PETRI, and particularly I want to thank Ranking Member OBERSTAR for his leadership on this issue.

This bill is over 2 years overdue, and that is just not fair to the Nation's traveling public who deserve better from this Congress and, of course, from this administration. We spend \$1 billion a week in Iraq, yet there is a question as to the level of spending in this transportation bill. Clearly, the committee voted \$318 billion for transportation. The Department of Transportation itself said that we needed \$375 billion. They said \$375 billion.

The Department of Transportation statistics show that for every \$1 billion invested in transportation infrastructure, it creates 42,000 jobs. It also saves the lives of 1,400 people, and you cannot argue with those figures. Transportation funding is a win-win for everyone involved. The States get to improve their transportation and infrastructure. That creates economic development and puts people back to work; it enhances safety and improves local communities.

By delaying the passage of this much-needed legislation, we are doing a disservice to the driving public and

to the Nation as a whole. The States are battling red ink and want to see this bill passed. The construction companies, who are laying off employees, want to see this bill passed. And the citizens waiting in traffic jams in Orlando, Florida, and central Florida want to see this bill pass.

Let us get serious about putting people back to work and let us pass a bill that truly meets the needs of the traveling public and not the needs of this President who is trying to look fiscally responsible while he runs up the national debt.

I encourage everyone to contact their Members and ask them to support transportation funding that truly meets the needs of this growing Nation. We need to stop spending money everywhere but here in the United States. Transportation infrastructure spending is an investment in America, and it is time we spent money on something that benefits the people that are actually paying the bills.

Mr. YOUNG of Alaska. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself the balance of my time.

We have had a good discussion of the subject matter. I think it need not be further elaborated. Again, if you are serious about a good result in the conference, you will support this motion to instruct conferees, a fair, equitable, and balanced motion.

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

The SPEAKER pro tempore (Mr. SIMPSON). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Minnesota (Mr. OBERSTAR).

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

Mr. YOUNG of Alaska. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 189, nays 223, not voting 21, as follows:

[Roll No. 227]

YEAS—189

Abercrombie	Brown, Corrine	Davis (CA)
Ackerman	Butterfield	Davis (FL)
Allen	Capps	Davis (IL)
Andrews	Capuano	Davis (TN)
Baca	Cardin	Davis, Tom
Baird	Cardoza	DeFazio
Baldwin	Carlahan	DeGette
Barrow	Carson	DeLauro
Bean	Case	Dicks
Becerra	Chandler	Dingell
Berman	Clay	Doggett
Berry	Cleaver	Edwards
Bishop (GA)	Clyburn	Emanuel
Bishop (NY)	Conyers	Engel
Blumenauer	Cooper	Eshoo
Boren	Costa	Etheridge
Boswell	Costello	Evans
Boucher	Crowley	Farr
Boyd	Cuellar	Ford
Brady (PA)	Cummings	Frank (MA)
Brown (OH)	Davis (AL)	Gonzalez

Gordon Matsui Sabo Platts Ryun (KS) Taylor (NC)  
 Green, Al McCollum (MN) Poe Saxton Terry  
 Grijalva McGovern Sánchez, Linda Pombo Saxon Thomas  
 Gutierrez McIntyre T. Sanchez, Loretta Portner Sensenbrenner Thornberry  
 Harman McKinney Scott (GA) Sessions Tiahrt  
 Hastings (FL) Meehan Sanders Pryce (OH) Shadegg Tiberi  
 Herseeth Meek (FL) Schakowsky Putnam Shaw Turner  
 Higgins Meeks (NY) Schiff Radanovich Shays Upton  
 Hincney Melancon Schwartz (PA) Ramstad Sherwood Walden (OR)  
 Hinojosa Michaud Scott (GA) Shimkus Walsh  
 Holt Miller (NC) Scott (VA) Rehberg Shuster Wamp  
 Honda Miller, George Serrano Reichert Serrano Weldon (FL)  
 Hooley Mollohan Sherman Renzi Weller  
 Hoyer Moore (KS) Skelton Reynolds Smith (NJ) Westmoreland  
 Inslee Moore (WI) Slaughter Rogers (AL) Smith (TX) Whitfield  
 Israel Moran (VA) Snyder Rogers (KY) Sodrel Wicker  
 Jackson (IL) Murtha Solis Rogers (MI) Souder Wilson (NM)  
 Jackson-Lee Nadler Spratt Rohrabacher Stearns Wilson (SC)  
 (TX) Napolitano Stark Ros-Lehtinen Sullivan Wolf  
 Jefferson Neal (MA) Strickland Royce Sweeney Young (AK)  
 Johnson, E. B. Oberstar Stupak Ryan (WI) Tancredo Young (FL)

## PERSONAL EXPLANATION

Mr. FATAH. Mr. Speaker, I inadvertently voted against the Motion to Instruct Conferees on H.R. 3, which instructs conferees to increase funding for the Transportation/Highway bill. The motion would increase the minimum guaranteed rate of return to 92 percent, while ensuring that each state receives no less than what is provided under the bill.

I request that the record reflect that I support the motion and I intended to vote for it.

## PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. PRICE of Georgia. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 167) and ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the concurrent resolution.

The Clerk read as follows:

H. CON. RES. 167

*Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, May 26, 2005, or Friday, May 27, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, June 7, 2005, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Thursday, May 26, 2005, or Friday, May 27, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, June 6, 2005, or Tuesday, June 7, 2005, or until such other time on either of those days as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.*

Sec. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

## CONDITIONAL ADJOURNMENT TO MONDAY, MAY 30, 2005

Mr. PRICE of Georgia. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday, May 30, 2005, unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 167, in which case the House shall stand adjourned pursuant to that concurrent resolution.

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

There was no objection.

NOT VOTING—21

Green, Gene Berkley  
 Hastings (WA) Cramer  
 Holdren Cunningham  
 Jenkins Deal (GA)  
 Kind Delahunt  
 Doyle McCarthy Udall (NM)  
 McDermott Emerson Van Hollen  
 McNulty Filner Velázquez

□ 1602

Mr. BONNER, Mr. OTTER, Ms. PRYCE of Ohio, Mr. ISTOOK and Mr. DANIEL E. LUNGREN of California changed their vote from “yea” to “nay.”

So the motion was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. SIMPSON). The Chair will appoint conferees at a later time.

Stated for:  
 Mr. FILNER. Mr. Speaker, on rollcall No. 227, on H.R. 3 Motion to Instruct, I was in my Congressional District on official business. Had I been present, I would have voted “yea.”

PERSONAL EXPLANATION

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, on May 26, 2005, I unfortunately missed 5 recorded votes and regret missing them.

Mr. Speaker, on rollcall No. 223, On Ordering the Previous Question (House Resolution 298), had I been present, I would have voted “no.” I ask unanimous consent that my statement appear in the RECORD.

Mr. Speaker, on rollcall No. 224, On Agreeing to the Melancon of Louisiana Amendment (House Resolution 2528), had I been present, I would have voted “aye.” I ask unanimous consent that my statement appear in the RECORD.

Mr. Speaker, on rollcall No. 225, On Agreeing to the Blumenauer of Oregon Amendment (House Resolution 2528), had I been present, I would have voted “aye.” I ask unanimous consent that my statement appear in the RECORD.

Mr. Speaker, on rollcall No. 226, Final Passage of H.R. 2528, the Military Quality of Life & Veterans Affairs Appropriations Act, had I been present, I would have voted “aye.” I ask unanimous consent that my statement appear in the RECORD.

Mr. Speaker, on rollcall No. 227, On Motion to Instruct Conferees to the Transportation Equity Act, had I been present, I would have voted “aye.” I ask unanimous consent that my statement appear in the RECORD.

NAYS—223

Dreier Kelly  
 Duncan Kennedy (MN)  
 Ehlers King (IA)  
 English (PA) King (NY)  
 Everett Kingston  
 Fattah Kirk  
 Feeney Kline  
 Ferguson Knollenberg  
 Fitzpatrick (PA) Kolbe  
 Flake Kuhl (NY)  
 Foley LaHood  
 Forbes Latham  
 Fortenberry LaTourette  
 Fossella Leach  
 Foxx Lewis (CA)  
 Franks (AZ) Lewis (KY)  
 Frelinghuysen Linder  
 Gallegly LoBiondo  
 Garrett (NJ) Lucas  
 Gerlach Lungren, Daniel  
 Gibbons E.  
 Gilchrist Mack  
 Gillmor Manzullo  
 Gingrey Marchant  
 Gohmert McCaul (TX)  
 Goode McCotter  
 Goodlatte McCrery  
 Granger McHenry  
 Graves McHugh  
 Green (WI) McKeon  
 Gutknecht McMorris  
 Hall Mica  
 Harris Miller (FL)  
 Hart Miller (MI)  
 Hayes Miller, Gary  
 Hayworth Moran (KS)  
 Hefley Murphy  
 Hensarling Musgrave  
 Herger Myrick  
 Hobson Neugebauer  
 Hoekstra Ney  
 Hostettler Northup  
 Hulshof Norwood  
 Hunter Nunes  
 Hyde Nussle  
 Inglis (SC) Osborne  
 Issa Otter  
 Istook Oxley  
 Jindal Pearce  
 Johnson (CT) Pence  
 Johnson (IL) Peterson (PA)  
 Johnson, Sam Petri  
 Jones (NC) Pickering  
 Keller Pitts