

McDermott	Porter	Smith (TX)
McGovern	Price (GA)	Smith (WA)
McHenry	Price (NC)	Snyder
McHugh	Pryce (OH)	Solis
McIntyre	Putnam	Souder
McKeon	Radanovich	Space
McMorris	Rahall	Spratt
Rodgers	Ramstad	Stark
McNerney	Rangel	Stearns
McNulty	Regula	Stupak
Meehan	Rehberg	Sullivan
Meek (FL)	Reichert	Sutton
Meeks (NY)	Renzi	Tancredo
Melancon	Reyes	Tanner
Mica	Reynolds	Tauscher
Michaud	Rodriguez	Taylor
Millender-	Rogers (AL)	Terry
McDonald	Rogers (KY)	Thompson (CA)
Miller (MI)	Rogers (MI)	Thompson (MS)
Miller (NC)	Rohrabacher	Thornberry
Miller, Gary	Ros-Lehtinen	Tiahrt
Miller, George	Roskam	Tiberi
Mitchell	Ross	Tierney
Mollohan	Rothman	Towns
Moore (KS)	Roybal-Allard	Turner
Moore (WI)	Royce	Udall (CO)
Moran (KS)	Ruppersberger	Udall (NM)
Moran (VA)	Rush	Upton
Murphy (CT)	Ryan (OH)	Van Hollen
Murphy, Patrick	Ryan (WI)	Velázquez
Murphy, Tim	Salazar	Viscosky
Murtha	Sali	Walberg
Musgrave	Sánchez, Linda	Walden (OR)
Myrick	T.	Walsh (NY)
Nadler	Sanchez, Loretta	Walz (MN)
Napolitano	Sarbanes	Wamp
Neal (MA)	Saxton	Wasserman
Neugebauer	Schakowsky	Schultz
Nunes	Schiff	Waters
Oberstar	Schwartz	Watson
Obey	Scott (GA)	Watt
Olver	Scott (VA)	Waxman
Ortiz	Sensenbrenner	Weiner
Pallone	Serrano	Welch (VT)
Pascarella	Sessions	Westmoreland
Pastor	Sestak	Wexler
Payne	Shadegg	Whitfield
Pearce	Shays	Wicker
Pence	Shea-Porter	Wilson (NM)
Perlmutter	Sherman	Wilson (OH)
Peterson (MN)	Shinkus	Wilson (SC)
Peterson (PA)	Shuler	Wolf
Petri	Shuster	Woolsey
Pickering	Simpson	Wu
Pitts	Sires	Wynn
Platts	Slaughter	Yarmuth
Poe	Smith (NE)	Young (AK)
Pomeroy	Smith (NJ)	Young (FL)

## NAYS—1

Paul

## NOT VOTING—13

Baca	Davis (KY)	Skelton
Baldwin	Davis, Jo Ann	Weldon (FL)
Brown (SC)	Kilpatrick	Weller
Cubin	Miller (FL)	
Culberson	Schmidt	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1448

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, due to official leave of absence, I was unable to vote on three bills considered today under suspension of the rules. Had I been present, I would have voted "yea" on final passage of H. Res. 64, Expressing the sense of the House of Representatives that the Government of Bangladesh should immediately drop all pending

charges against Bangladeshi journalist Salah Uddin Shoaib Choudhury; "yea" on final passage of H. Res. 228, Recognizing the 186th anniversary of the independence of Greece and celebrating Greek and American democracy, and "yea" on final passage of H. Res. 222, Expressing the support of the House of Representatives for the Good Friday Agreement, signed on April 10, 1998, as a blueprint for a lasting peace in Northern Ireland, and for other purposes.

## PERSONAL EXPLANATION

Mr. BACA. Mr. Speaker, I respectfully request that I be excused from today's votes due to official business at Walter Reed Army Medical Center. I regret that I was not able to cast these votes; however, if I had been present I would have voted in the following way: "yea" on H. Res. 64; "yea" on H. Res. 228; "yea" on H. Res. 222.

## PERSONAL EXPLANATION

Mrs. SCHMIDT. Mr. Speaker, on rollcall No. 139 on final passage of H. Res. 64, rollcall No. 140 on final passage of H. Res. 228, and rollcall No. 141 on final passage of H. Res. 222, I am not recorded because I was absent due to attendance at a family funeral. Had I been present, I would have voted "yea" on each of the rollcall votes.

COMMUNICATION FROM STAFF  
MEMBER OF HON. C.A. DUTCH  
RUPPERSBERGER, MEMBER OF  
CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Melody McEntee, Director, Government, Business and Community Relations, Office of Hon. C.A. DUTCH RUPPERSBERGER, Member of Congress:

HOUSE OF REPRESENTATIVES,  
Washington, DC, March 12, 2007.

Hon. NANCY PELOSI,  
Speaker, House of Representatives,  
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with an administrative subpoena, issued by the United States Merit Systems Protection Board, for testimony and documents.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is inconsistent with the precedents and privileges of the House.

Sincerely,

MELODY MCENTEE,  
Director, Government, Business  
and Community Relations.

## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

CONGRESSIONAL CONSTITUTION  
CAUCUS' WEEKLY "CONSTITUTION  
HALF HOUR"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. GARRETT) is recognized for 5 minutes.

Mr. GARRETT of New Jersey. Mr. Speaker, I am here today to announce our support of the A-PLUS Act authored by my good friend from Michigan (Mr. HOEKSTRA). I stand here as the founder and chairman of the Congressional Constitution Caucus, and I urge my colleagues to cosponsor this legislation.

Normally, when I begin my weekly floor speeches, I quote the relevant portion of the Constitution that corresponds with the evening's topic. Yet today I have difficulty choosing a coinciding article and section from our founding document. You see, the Constitution does not contain the word "school" or even "education." Contrary to common modern misconceptions, there is no constitutional right guaranteeing each citizen an education.

Now, this does not mean education is unimportant or that the Constitution is silent on the issue. The 10th amendment unambiguously states, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

Historically, in the United States, education has not fallen under the jurisdiction of the Federal Government. Parents, local schools and the States were responsible for children's academic training. It has only been in the last 50 years or so has the Federal Government begun overstepping its constitutional boundaries by parading the increasing bureaucracies of the Department of Education.

Mr. HOEKSTRA's bill seeks to correct many of the problems associated with a Federal bureaucracy by putting control over education money back into the hands of the taxpayers and, most importantly, the parents.

Under the current system, the Federal Government essentially bribes States into complying with the burdensome No Child Left Behind program. Yes, States can opt out of these regulations, but doing so would mean losing millions of dollars in aid every year.

Under its bill, first it will free States from following needless Federal regulations and mandates. Currently, the No Child Left Behind program restricts academic innovation and ignores the diversity present in each State, region and school district.

Secondly, A-PLUS Act will reduce the amount of time and money that school officials currently devote to complying with these mandates. Each

hour and dollar spent in administering No Child Left Behind could be funneled instead into improving our schools.

Thirdly, A-PLUS Act will ensure that parents, schools and the States are held accountable for the education process. Rather than allowing oversight to rest in some far-flung bureaucracies here in Washington, it will be right at home here in your local school district. But most importantly, giving States the freedom to keep their education dollars in oversight within their own State is exactly what our Founding Fathers originally intended.

James Madison, often considered the father of the Constitution, will be remembered this coming Friday, March 16, on the 250th anniversary of his birth.

In a way, Madison predicted this situation we now find ourselves in, when he wrote, "In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself."

It is time for us to explain why we are not controlling ourselves. Our Founding Fathers deliberately wrote a Constitution of enumerated specific powers. While some countries have attempted to limit government by writing Constitutions that specify every single thing and every single line, our government Constitution does not do that. Therefore, in Article I, Section 8, the founders specifically listed congressional powers, and in the 10th amendment grants that all other legislative powers are in the hands of States or the people respectively.

So, in essence, it makes sense that Congress should perform duties only prescribed by the Constitution. When you think about it, the United States has thrived as a nation precisely because the freedom of the people has been protected by a limited government. The Constitution is the anchor that protects American citizens from the storms of a controlling central government.

James Madison wrote also in *The Federalist* No. 45, "The powers delegated by the proposed Constitution to the Federal Government are few and defined." He would add, probably, that education is not one of them. So Mr. HOEKSTRA's common-sense legislation follows Madison's insights by ensuring that the States have the opportunity to retain control over their own education dollars. Doing so will not only improve the quality of the education system, but will help return our Nation to the principles of limited government, federalism, and the 10th amendment.

#### INTRODUCTION OF THE SHORT SEA SHIPPING PROMOTION ACT OF 2007

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, when I assumed the chairmanship of the Subcommittee on Coast Guard and Maritime Transportation at the beginning of the 110th Congress, I promised that the subcommittee would balance oversight of the Coast Guard with our responsibility to strengthen maritime transportation.

On February 15, the subcommittee began to fulfill that promise by holding a hearing on short sea shipping, which is the waterborne transportation of goods and people from one domestic port in the United States to another port in the United States or between Canada and the U.S.

At the present time, trucks carry nearly 70 percent of the freight tonnage transported in the United States. By contrast, the most highly developed water freight transportation routes in the United States, those running on the Mississippi River, the Great Lakes and the Saint Lawrence Seaway carry just 13 percent of the freight tonnage within the United States.

Mr. Speaker, the impact of our continued reliance on trucks to move freight will be measured in increased traffic congestion, increases in polluting emissions and increases in accidents between trucks and cars.

However, the only way that we will shift freight transportation away from an increasing volume of trucks is by creating affordable reliable transportation alternatives. I believe that one of these alternatives must be short sea shipping.

During our February hearing, our subcommittee heard compelling testimony arguing that one of the challenges currently limiting the growth of short sea shipping is a requirement that with only a few exceptions cargo transported by water to a port in the United States must pay the harbor maintenance tax. This tax, assessed at the rate of \$125 per \$100,000 of cargo value adds to the costs associated with waterborne transportation and is one factor currently making such transportation less competitive than trucks and other modes.

Importantly, if the cargo originated in Europe and is off-loaded in New York, just to be reloaded on a ship bound for Jacksonville, Florida then the cargo owner must pay the harbor tax twice.

□ 1500

Further, the tax is paid, not by the ship owner, but by the shipper of the goods. So imagine that a FedEx truck wants to get on a ferry in Windsor, Canada, and be off loaded just across the river in Detroit, Michigan. Each of the owners of the 500 packages that are in the truck must pay the harbor maintenance tax. There is simply no easy way to collect the tax from so many different packages, so the truck travels to the United States across the bridge.

In part, because it acts to limit the growth of short sea shipping, the har-

bor maintenance tax generates only about \$2 million per year in revenue from short sea shipping voyages, but stands as a costly barrier to the expansion of short sea shipping options.

Today, therefore, I have introduced the Short Sea Shipping Promotion Act of 2007, which would exempt goods moved by water from one port in the United States to another port in the United States or between the United States and Canada from the harbor maintenance tax.

This exemption will not significantly reduce revenues into the harbor maintenance trust fund, which already has a significant fund balance, but could help open a significant new course for the movement of freight by water.

Our Nation urgently needs to take practical steps to address the significant challenges we face in maintaining the flow of freight on which our economy depends.

As chairman of the Coast Guard and Maritime Transportation Subcommittee, the measure I have introduced today is just the first step of a concerted and deliberate effort I will undertake to support the potential of maritime transportation, in general, and short sea shipping, in particular, to be a reliable, cost-effective mode in our national transportation network.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

(Mr. POE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### A-PLUS ACT (NO CHILD LEFT BEHIND REFORM)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, I rise today to address important changes to the No Child Left Behind Act. I recently held a roundtable discussion on this issue with my constituents from all over the Fifth District held in Forsyth County, North Carolina. It was a great opportunity for me to hear from superintendents, board of education members, principals and teachers from across the district about their concerns with No Child Left Behind and their recommendations for program improvements.

As a member of the House Committee on Education and Labor, it was important for me to hear firsthand what educators believe is working and is not working in No Child Left Behind.

One of the main concerns brought to me during this roundtable was the role that special education students play in the Federal oversight process. Due to the wide-ranging needs and challenges faced by special needs students, it is becoming increasingly difficult for schools to meet Federal standards.