

that is timely, targeted, and temporary. That plan, which was passed here in the House last week, will help jump-start our economy by putting tax rebates in the hands of 117 million hardworking middle- and lower-income workers.

We should be proud of the bipartisan ship that made this compromise package possible. I would hope that we could bring that same bipartisanship to bear on the continuing war in Iraq.

Last month, the Iraqi defense minister said that his country will not be able to take full control of its security until 2012 and will not be able to defend its borders from outside threats until at least 2018. Democrats do not believe that American troops should be on the ground in Iraq for another decade and neither do the American people. The status quo cannot continue.

I would hope that we could continue to work together to bring this war to an end.

#### URBAN VIOLENCE

(Mr. RUSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUSH. Mr. Speaker, I come to the floor today to speak about an issue that is very close to my heart personally as a father and American and as a Member of Congress. There is a plague across this Nation that has taken the lives of hundreds of thousands of American citizens, and it is disturbing and upsetting that there is no public outcry over the destruction that it leaves in its path. The plague is urban violence.

Mr. Speaker, over the Christmas break I was shocked by a piece of news that I saw on "Nightline" which detailed how medics who are sent to Iraq are honing their skills by working in urban hospitals attending to gunshot victims.

The documentary went on to say that over 75 African American and Latino males are killed in our inner cities on a daily basis. Over 75 Latinos and American males are killed on a daily basis in American streets, a number that dwarfs the number of fatalities, Iraqi and American, that are suffered in the war zone.

Mr. Speaker, we must break this silence and stop this violence. It is time to stop the killing, stop the violence.

#### EXPANDING PROSPERITY BY PASSING THE COLLEGE OPPORTUNITY AND AFFORDABILITY ACT

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

Mr. PALLONE. Mr. Speaker, one of the best ways to expand prosperity for more Americans is to make college more affordable. Today, an education at a private university is close to \$50,000 a year, and things aren't much

better at public universities where prices have shot up 40 percent above inflation in the last 7 years alone.

This Democratic Congress has worked to eliminate some of the sticker shock. Last year we passed the College Cost Reduction Act of 2007, which was the single largest increase in college aid since the GI Bill. But we are not done.

Today we will vote on the College Opportunity and Affordability Act, which will make college more affordable and accessible. The bill encourages colleges to rein in price increases and to provide consumers with helpful information so they can make the best decisions on which school to choose.

The legislation also simplifies the Federal student aid application process, expands college access and support for low-income and minority students, and increases aid for our veterans and military families.

Mr. Speaker, let's continue to strengthen our Nation's future by passing the College Opportunity and Affordability Act today.

#### PROVIDING FOR CONSIDERATION OF H.R. 4137, COLLEGE OPPORTUNITY AND AFFORDABILITY ACT OF 2007

Ms. SUTTON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 956 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### H. RES. 956

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 4137) to amend and extend the Higher Education Act of 1965, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor. After general debate the bill shall be considered for amendment under the five-minute rule.

SEC. 2. (a) It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI.

(b) Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution and amendments en bloc described in section 3 of this resolution.

(c) Each amendment printed in the report of the Committee on Rules shall be considered only in the order printed in the report,

may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

(d) All points of order against amendments printed in the report of the Committee on Rules or amendments en bloc described in section 3 of this resolution are waived except those arising under clause 9 or 10 of rule XXI.

SEC. 3. It shall be in order at any time for the chairman of the Committee on Education and Labor or his designee to offer amendments en bloc consisting of amendments printed in the report of the Committee on Rules not earlier disposed of. Amendments en bloc offered pursuant to this section shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc.

SEC. 4. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 5. During consideration in the House of H.R. 4137 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

SEC. 6. House Resolution 941 is laid upon the table.

□ 1030

The SPEAKER pro tempore (Mr. HOLDEN). The gentlewoman from Ohio is recognized for 1 hour.

Ms. SUTTON. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS). All time yielded during consideration of the rule is for debate only.

#### GENERAL LEAVE

Ms. SUTTON. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 956.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

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

House Resolution 956 provides for consideration of H.R. 4137, the College Opportunity and Affordability Act of 2007, under a structured rule. The rule provides 1 hour of general debate controlled by the Committee on Education and Labor.

The rule makes in order the Education and Labor Committee reported substitute as an original bill for the purpose of amendment.

The rule makes in order the 27 amendments listed in the Rules Committee report, each of which is debatable for 10 minutes, except the Miller manager's amendment, which is debatable for 20 minutes.

Mr. Speaker, last year Congress passed the College Cost Reduction Act to increase college financial aid by \$18 billion, the single largest increase in aid in over 60 years. That legislation significantly increased the maximum amount that Pell Grant recipients can receive at no new cost to taxpayers and was a strong start to this Congress' efforts to make higher education a reality for America's students. But that, Mr. Speaker, was just the beginning.

I'm proud to rise today in strong support of H.R. 4137, the College Opportunity and Affordability Act. This will continue our efforts to make college more affordable and more accessible for America's students, while making investments in critical areas to strengthen our workforce.

Our Nation is blessed to have the finest system of higher education in the world. There is a breadth of opportunities available to our graduating high school seniors: vocational and technical school, 2- and 4-year colleges, and graduate and professional schools.

Mr. Speaker, the challenge we face today is to ensure that our institutions of higher education are accessible to all, and the legislation we are passing today will make it easier for low-income and middle-class families to achieve the benefits of higher education as they climb up the ladder of success.

Investing in our students not only improves their future, but it helps our economy and strengthens our competitive edge in the global marketplace. This bill continues this Congress' efforts to strengthen America's workforce by creating programs to improve teacher training and bolster student interests in science, math, and technology.

We must also recognize and applaud our nontraditional students, those members of our workforce who are seizing the opportunity to continue their education while holding down full-time jobs and sometimes raising families. These students are often attending school less than half time, and thus, they sometimes benefit very little from traditional student aid. That's why I support my colleague Congressman BAIRD's amendment, which I hope will be incorporated into this bill, to require the Secretary of Education to study and recommend how best to design a loan program targeted at less than half-time students.

One of the keys to expanding access to our institutions of higher learning is to bring down the exorbitant cost of attending college. Tuition hikes in recent years have been stunning,

amounting to a 31 percent increase at a 4-year public college in the last 5 years alone.

This bill enhances transparency in college tuition by requiring colleges to report their reasons for tuition hikes and the plans they have for lowering costs. It also requires the Secretary of Education to publish a higher education price index, providing students with the opportunity to compare institutions by State, sector, and change in tuition and fees from one year to the next. This will allow students to make wiser decisions in choosing institutions that are a good fit for them and the dreams to which they aspire.

A more immediate way to make the possibility of attaining a college degree a reality is to increase the aid available to our students, and I'm proud that this bill does that, doubling the maximum Pell Grant amount to \$9,000.

Beyond the sticker price of tuition, any student will tell you that the cost of textbooks is also a challenging cost they incur. The average student spends about \$1,000 per year on textbooks, which is nearly 20 percent of tuition and fees at a 4-year public institution. Such high costs for textbooks can be the deciding factor which dashes or delays the dream of obtaining a college degree and a better life for many.

This legislation requires publishers to provide specific information about pricing so that faculty has full information when making purchasing decisions so students can help plan for expenses.

And in addition, Mr. Speaker, I'm proud to support an amendment offered by my colleague from Ohio, Congressman TIM RYAN, along with Representative JASON ALTMIRE, which will create a pilot grant program to assist colleges in setting up textbook rental programs. These programs already exist in 25 schools, and a pilot test at Bowling Green State University in Ohio last spring saved 151 students \$11,000.

We must also continue to strive to reduce the achievement gap in higher education between low-income and minority students and their peers. We can do this by ensuring that all students are prepared for the rigorous demands of higher learning. This bill strengthens the proven TRIO and GEAR UP college readiness and support programs for low-income and first generation students. I have seen firsthand, Mr. Speaker, the great things that these programs can do in Elyria in my district, which is a GEAR UP site, and the University of Akron, which has received TRIO funding. I look forward to the expansion of these proven programs so that more students in Ohio and around the country may benefit.

This legislation also addresses the disappointment we saw last year as the student loan scandal unfolded. Those financial aid directors that received kickbacks and payoffs and luxury gifts from private lenders exhibited a spectacular abuse of power and betrayal of the students they serve. This legisla-

tion cracks down on that abuse and restores accountability by requiring institutions and lenders to adopt strict codes of conduct and protect students from aggressive marketing by lenders. Institutions will also be required to provide students with information about Federal and private borrowing options.

This bill will also encourage and make it financially feasible for students to become public servants by authorizing up to \$10,000 in loan forgiveness for military servicemembers, firefighters, law enforcement officers, first responders, nurses, educators, prosecutors, and public defenders.

This bill also continues the work this Congress has undertaken to support our troops by creating new scholarship and support programs for active duty military personnel, their family members, and veterans. It also establishes support centers to help veterans succeed in college and ensures fairness in student aid and housing aid for veterans to make it easier for them to go to college while also fulfilling their military service duties.

I'm also proud to support an amendment being offered by my colleague Congresswoman SUSAN DAVIS that is based on legislation of which I'm a cosponsor. Her amendment will prevent interest from accruing for active duty servicemembers and qualifying National Guard members for the duration of their activation up to 60 months when serving in a combat zone.

Mr. Speaker, the dream of a college education is moving further and further out of reach for middle- and low-income families. We need to put this prospect of a college education and a brighter future back in reach. Passing H.R. 4137 and building on the work we started last year is an important and priceless investment in the future of our children, our communities, and our country.

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

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank the gentlelady from Ohio (Ms. SUTTON) for yielding me the customary 30 minutes, and I yield myself as much time as I may consume.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, I believe that we must do all that we can to make education more affordable so that more Americans can achieve the dream of graduating from college. This year alone over \$90 billion in Federal financial aid is available to students. However, with tuition costs on the rise, students and their families continue to face the inevitable question of how to pay for a college education. I believe a balanced approach is needed, one that increases transparency of higher education costs and targets aid to the neediest students while simplifying the financial aid process and addressing the growing

number of burdensome reporting requirements colleges and universities face.

I share the goal of increasing access to higher education, but I have a number of concerns with the College Opportunity and Affordability Act, and I believe improvements to the bill are needed. Mr. Speaker, apparently Members on both sides of the aisle also share this view because over 60 amendments were submitted to the Rules Committee before the deadline.

The last time that this House considered a comprehensive higher education reauthorization bill was in 1998. At that time, the Rules Committee reported a modified open rule, and as a result, all Members of the House had an opportunity to preprint their amendments in the CONGRESSIONAL RECORD and offer them on the floor.

Mr. Speaker, I am disappointed that this time the Democrat-controlled Rules Committee chose a closed process to consider a long overdue reauthorization of the Higher Education Act. Unfortunately, by reporting out a closed rule, Democrats on the Rules Committee once again chose to deny over 400 Members of Congress the opportunity to offer amendments to improve the bill. Furthermore, this rule makes in order five times as many Democrat amendments as Republican amendments.

Reauthorizing the Higher Education Act is important, but by adopting this closed rule, an opportunity will be missed to make the underlying bill even better. Therefore, Mr. Speaker, I urge my colleagues to vote against this closed rule.

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

Ms. SUTTON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Florida (Ms. CASTOR), a member of the Rules Committee.

Ms. CASTOR. Mr. Speaker, I thank my colleague from Ohio.

Mr. Speaker, I rise today to support the College Opportunity and Affordability Act of 2007 and this rule because we are committed to making the cost of attending college more affordable and accessible. This is great news for hardworking, middle-class families and students across America and students in my hometown, which is a college town with thousands and thousands of students enrolled in the community college and at the University of South Florida.

There's great debate in Washington today over the economy and how we are going to provide relief to middle-class families. One of the answers is to address the soaring costs of attending college and keep the doors to a higher education open by making college affordable through grants and low-rate loans.

A college diploma is a critical step toward a higher paying job and success in life, and one of the best investments we can make for the future of our great Nation is to ensure that the doors to

our colleges and universities remain wide open.

In my home State of Florida, unfortunately, we're undergoing a budget crisis, and the funding for higher education unfortunately has been targeted for millions and millions of dollars of cuts. This has resulted in the university and community college doors being kept shut for many students.

One student in my hometown in Tampa from Jefferson High School, Gabby Rodriguez, has a 4.3 grade point average, but because of the budget cuts in the State of Florida and the lack of student financial assistance, she may have to go to college out of State or put her college dreams on hold entirely.

So the passage of this crucial bill could not come at a better time. With passage of this bill, we will increase need-based aid and make the Federal Pell Grants more available to students.

□ 1045

You know, last year the Congress battled the Bush administration over the ability of first-generation students to attend college and work through the Upward Bound initiative. Well, we are focused on better jobs for the future, so we will strengthen the Upward Bound program through this bill today. We are focused on better jobs for the future, so we will provide loan forgiveness for graduates who decide to enter public service careers in areas of national need, such as early childhood educators, child welfare workers, and firefighters. We are focused on better jobs for the future, so we encourage students' interest in math, science, and technology through this bill.

Through the leadership of Chairman GEORGE MILLER, who is a hero for college students throughout America, Congressman JOHN TIERNEY, Ranking Member McKEON, BOBBY SCOTT, LYNN WOOLSEY, all of the members of the Education and Labor Committee, I salute them and thank them for their leadership because, Mr. Speaker, this is an important bipartisan milestone for education.

I urge my colleagues to support the rule and the bill.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 5 minutes to the ranking member of the Education and Workforce Committee, the gentleman from California (Mr. McKEON).

Mr. McKEON. I thank the gentleman for yielding.

A decade ago, the last time we renewed the Higher Education Act, it was debated under an open rule that allowed every Member the opportunity for full participation. On an issue so important to our Nation's continued success, I would expect nothing less than a full and open debate. I am disappointed that the same opportunity was not provided today. Sadly, suppressed debate is all we have known under this majority.

I am also disappointed that misuse of the budget reconciliation process last

year has left us with a bill that includes many important reforms, but does not provide a full review of the largest financial aid programs.

Because the budget reconciliation bill contained drastic and far-reaching changes to Federal student loans, the bill before us pays very little consideration to student lending. Unfortunately, circumstances surrounding the loan programs have changed in the last several months, and it looks like now is exactly the time when we should be looking at these programs.

We are all painfully aware of the collapse in the subprime mortgage market. Those financial insecurities have spread the higher quality assets, including the asset-backed equities that are often used to finance Federal and non-Federal student loans.

As we face these market insecurities, the full extent of the cuts enacted through last year's budget reconciliation bill are just beginning to be understood. Taken together, it appears our Federal loan program may be facing a perfect storm, yet here we are with a comprehensive higher education renewal that does not consider the student loan programs.

I had hoped to offer an amendment today that would acknowledge the challenges facing the loan program. Although my amendment did not call for any immediate changes within the credit markets or the loan program structure, a sense of Congress urged the Secretary of Education to closely monitor the student loan marketplace so that if in the near future these market insecurities translate into a loss of loan availability, we could act quickly to protect the interests of students.

Mr. Speaker, I won't be offering that amendment today; it was not ruled in order. Somehow, a sense of the Congress acknowledging the very real challenges facing our Nation's largest financial aid program was deemed unfit for consideration.

We also won't be considering an amendment to protect students' free speech rights on campus, or either of two amendments to ensure taxpayers aren't forced to provide assistance under this bill to illegal immigrants. Nor will we take up any of the other Republican amendments that were stifled by a heavy-handed majority.

Mr. Speaker, we're here to consider a bipartisan bill that I strongly support. In fact, the bill was voted out of committee with a vote of 45-0. Yet even on a bipartisan college access bill, the majority could not bring itself to allow a fair and open debate.

Just four of the 27 amendments we'll consider today were offered by Republicans, about 15 percent. For every 6 minutes we spend debating Democrat proposals today, the Republican ideas will be given 60 seconds. Democrats will claim that's how we ran things when Republicans were in charge. But during this same debate in 2006, when we considered comprehensive higher education reform, more than one-third

of the amendments considered on the floor were offered by Democrats.

This is not just a problem of amendments being made in order. Republicans were blocked from even submitting amendments just 3 minutes after the deadline Tuesday morning. Key Republican proposals were rejected from consideration some 30 hours and 57 minutes before the Rules Committee met. Is this a majority that strictly adheres to deadlines no matter what the circumstances? Evidently not, at least not when they stand to benefit from a little flexibility.

The listing of amendments on the Rules Committee Web site was modified at 4:39 p.m. Wednesday, just 21 minutes before the committee met. Fully 20 of the Democrats' amendments were modified or withdrawn after the submission deadline.

I cannot help but ask, Why are Republicans being shut out of a bipartisan bill? Why is the majority only permitting Republican amendments that align with their policy goals? Is this payback because Republicans plan to demand a vote today on earmark reform?

Mr. Speaker, this is an unreasonable rule that taints the bipartisanship of the underlying bill, and I strongly oppose it.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Indiana (Mr. SOUDER), also a member of the committee.

Mr. SOUDER. I thank my distinguished friend from Washington State.

A little bit of irony here. I had an amendment that we fully debated in committee on students' free speech, and I wanted to offer it today. But isn't it ironic that while I was trying to argue for a student bill of rights and free speech, that we're not allowed to have free speech and a bill of rights in the United States Congress. How in the world, when we're having 27 amendments, and this amendment was overwhelmingly supported by our party, we only have, out of 27, four from Republicans, and two of those are Republican opposed. If we have time for 27 amendments, why can't we have an amendment for free speech? I just don't understand.

I never understood the opposition to the amendment, but what an insult to the American people that when we want to debate whether there should be a student bill of rights on campuses, which is being adopted and introduced in many places around the country, that the United States Congress can't even debate on the House floor a free speech amendment and protection for speech in colleges. This is an outrage, an embarrassment, and a humiliation to the Rules Committee. Why 27 amendments, but not one on a student bill of rights? Could it be that it's a difficult vote?

David Horowitz, and I will insert into the RECORD an article, "In Defense of Intellectual Diversity," has been a

champion of this problem. Now, we had a very interesting debate in committee. The chairman of the committee said that some of these students who have been complaining should grow up, and cited a case of where he struggled. And certainly when I was a college student in the late sixties and early seventies and wore a button "I'm proud to be a square" when most of America wasn't proud to be a square, I certainly had my share of debates, my share of harassment, my share of being yelled down, trying to offer a differing view than the view that was popular in the late sixties. And some of that goes with being on a college campus, but there are examples all over this country where intellectual diversity, intellectual alternatives are being stymied in academia. This amendment would try to protect those rights.

Some of it's from the far left; a lot of it is on the conservative side right now. In fact, next Tuesday Ben Stein has a movie coming out, "Expelled: No Intelligence Allowed," that will debut about one of those debates in science. Where there is an effort to stamp it out, particularly when you get into government, economics, sociology, philosophy, and so on, increasingly there is a rigidity; and if you disagree you are harassed, your grades can be altered, your papers can be given back to you, speeches and alternative speakers are shouted down. And, yes, there are nominal processes to do it, but if there are nominal processes to do it, what is wrong? This amendment says, for example, "Individual colleges and universities have different missions and each institution should design its academic program in accordance. Within the context of institutional mission, the college should promote intellectual pluralism and facilitate free and open exchange of ideas." Well, that's not very controversial.

"D, Students should not be intimidated, harassed, discouraged from speaking out, discriminated against, or subject to official sanctions because of their personal, political, ideological or religious beliefs." Isn't that a terrible, risky, difficult vote?

"Students should be treated equally and fairly, including evaluation and grading, without regard to or consideration of their personal political views or ideological beliefs." That's just awful. How could we vote on that in the United States Congress to say there would be no persecution? There is no "whereas" clauses here. There's nothing in here that says campuses are liberal, campuses are conservative. We don't have any "whereas" clauses that are insulting in here. There is nothing in here that's partisan; I just read you the guts of the bill.

Why can't we vote on this? Why is this opposed? Why is it opposed so much that we're not even allowed to debate it on the floor of Congress? How can we say, in a higher education bill, that we believe in inquiry, that we believe in searching for knowledge, but

when we had an amendment to protect students who might have a difference of opinion that we wouldn't even allow a vote?

[From the Chronicle Review, Feb. 13, 2004]

IN DEFENSE OF INTELLECTUAL DIVERSITY

(By David Horowitz)

I am the author of the Academic Bill of Rights, which many student governments, colleges and universities, education commissions, and legislatures are considering adopting. Already, the U.S. House of Representatives has introduced a version as legislation, and the Senate should soon follow suit.

State governments are also starting to rally around efforts to protect student rights and intellectual diversity on campuses: In Colorado, the State Senate president, John K. Andrews Jr., has been very concerned about the issue, and State Rep. Shawn Mitchell has just introduced legislation requiring public institutions to create and publicize processes for protecting students against political bias. Lawmakers in four other states have also expressed a strong interest in legislation of their own, based on some version of the Academic Bill of Rights. Students for Academic Freedom is working to secure the measure's adoption by student governments and university administrations on 105 member campuses across the country (<http://www.studentsforacademicfreedom.org>).

The Academic Bill of Rights is based squarely on the almost 100-year-old tradition of academic freedom that the American Association of University Professors has established. The bill's purposes are to codify that tradition; to emphasize the value of "intellectual diversity," already implicit in the concept of academic freedom; and, most important, to enumerate the rights of students to not be indoctrinated or otherwise assaulted by political propagandists in the classroom or any educational setting.

Although the AAUP has recognized student rights since its inception, however, most campuses have rarely given them the attention or support they deserve. In fact, it is safe to say that no college or university now adequately defends them. Especially recently, with the growing partisan activities of some faculty members and the consequent politicization of some aspects of the curriculum, that lack of support has become one of the most pressing issues in the academy.

Moreover, because I am a well-known conservative and have published studies of political bias in the hiring of college and university professors, critics have suggested that the Academic Bill of Rights is really a "right-wing plot" to stack faculties with political conservatives by imposing hiring quotas. Indeed, opponents of legislation in Colorado have exploited that fear, writing numerous op-ed pieces about alleged right-wing plans to create affirmative-action programs for conservative professors.

Nothing could be further from the truth. The actual intent of the Academic Bill of Rights is to remove partisan politics from the classroom. The bill that I'm proposing explicitly forbids political hiring or firing: "No faculty shall be hired or fired or denied promotion or tenure on the basis of his or her political or religious beliefs." The bill thus protects all faculty members—left-leaning critics of the war in Iraq as well as right-leaning proponents of it, for example—from being penalized for their political beliefs. Academic liberals should be as eager to support that principle as conservatives.

Some liberal faculty members have expressed concern about a phrase in the bill of rights that singles out the social sciences and humanities and says hiring in those

areas should be based on competence and expertise and with a view toward “fostering a plurality of methodologies and perspectives.” In fact, the view that there should be a diversity of methodologies is already accepted practice. Considering that truth is unsettled in these discipline areas, why should there not be an attempt to nurture a diversity of perspectives as well?

Perhaps the concern is that “fostering” would be equivalent to “mandating.” The Academic Bill of Rights contains no intention, implicit or otherwise, to mandate or produce an artificial “balance” of intellectual perspectives. That would be impossible to achieve and would create more mischief than it would remedy. On the other hand, a lack of diversity is not all that difficult to detect or correct.

By adopting the Academic Bill of Rights, an institution would recognize scholarship rather than ideology as an appropriate academic enterprise. It would strengthen educational values that have been eroded by the unwarranted intrusion of faculty members’ political views into the classroom. That corrosive trend has caused some academics to focus merely on their own partisan agendas and to abandon their responsibilities as professional educators with obligations to students of all political persuasions. Such professors have lost sight of the vital distinction between education and indoctrination, which—as the AAUP recognized in its first report on academic freedom, in 1915—is not a legitimate educational function.

Because the intent of the Academic Bill of Rights is to restore academic values, I deliberately submitted it in draft form to potential critics who did not share my political views. They included Stanley Fish, dean of the College of Liberal Arts and Sciences at the University of Illinois at Chicago; Michael Bérubé, a professor of English at Pennsylvania State University at University Park; Todd Gitlin, a professor of journalism and sociology at Columbia University; and Philip Klinkner, a professor of government at Hamilton College. While their responses differed, I tried to accommodate the criticisms I got, for example deleting a clause in the original that would have required the deliberations of all committees in charge of hiring and promotion to be recorded and made available to a “duly constituted authority.”

I even lifted wholesale one of the bill’s chief tenets—that colleges and professional academic associations should remain institutionally neutral on controversial political issues—from an article that Dean Fish wrote for *The Chronicle* (“Save the World on Your Own Time,” January 23, 2003). He has also written an admirable book, *Professional Correctness* (Clarendon Press, 1995), which explores the inherent conflict between ideological thinking and scholarship.

Since the Academic Bill of Rights is designed to clarify and extend existing principles of academic freedom, its opponents have generally been unable to identify specific provisions that they find objectionable. Instead, they have tried to distort the plain meaning of the text. The AAUP itself has been part of that effort, suggesting in a formal statement that the bill’s intent is to introduce political criteria for judging intellectual diversity and, thus, to subvert scholarly standards. It contends that the bill of rights “proclaims that all opinions are equally valid,” which “negates an essential function of university education.” The AAUP singles out for attack a phrase that refers to “the uncertainty and unsettled character of all human knowledge” as the rationale for respecting diverse viewpoints in curricula and reading lists in the humanities and social sciences. The AAUP claims

that “this premise . . . is anti-thetical to the basic scholarly enterprise of the university, which is to establish and transmit knowledge.”

The association’s statements are incomprehensible. After all, major schools of thought in the contemporary academy—pragmatism, postmodernism, and deconstructionism, to name three—operate on the premise that knowledge is uncertain and, at times, relative. Even the hard sciences, which do not share such relativistic assumptions, are inspired to continue their research efforts by the incomplete state of received knowledge. The university’s mission is not only to transmit knowledge but to pursue it—and from all vantage points. What could be controversial about acknowledging that? Further, the AAUP’s contention that the Academic Bill of Rights threatens true academic standards by suggesting that all opinions are equally valid is a red herring, as the bill’s statement on intellectual diversity makes clear: “Exposing students to the spectrum of significant scholarly viewpoints on the subjects examined in their courses is a major responsibility of faculty.” (Emphasis added.)

As the Academic Bill of Rights states, “Academic disciplines should welcome a diversity of approaches to unsettled questions.” That is common sense. Why not make it university policy?

The only serious opposition to the Academic Bill of Rights is raised by those who claim that, although its principles are valid, it duplicates academic-freedom guidelines that already exist. Elizabeth Hoffman, president of the University of Colorado System, for example, has personally told me that she takes that position.

But with all due respect, such critics are also mistaken. Most universities’ academic-freedom policies generally fail to make explicit, let alone codify, the institutions’ commitment to intellectual diversity or the academic rights of students. The institutions also do not make their policies readily available to students—who, therefore, are generally not even aware that such policies exist.

For example, when I met with Elizabeth Hoffman, she directed me to the University of Colorado’s Web site, where its academic-freedom guidelines are posted. Even if those guidelines were adequate, posting them on an Internet site does not provide sufficient protection for students, who are unlikely to visit it. Contrast the way that institutions aggressively promote other types of diversity guidelines—often establishing special offices to organize and enforce all sorts of special diversity-related programs—to such a passive approach to intellectual diversity.

At Colorado’s Web site, for example, one can read the following: “Sections of the AAUP’s 1940 Statement of Principles on Academic Freedom and Tenure have been adopted as a statement of policy by the Board of Regents.” Few people reading that article or visiting the site would suspect that the following protection for students is contained in the AAUP’s 1940 statement: “Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject.”

Is there a college or university in America—including the University of Colorado—where at least one professor has not introduced controversial matter on the war in Iraq or the Bush White House in a class whose subject matter is not the war in Iraq, or international relations, or presidential administrations? Yet intrusion of such subject matter, in which the professor has no academic expertise, is a breach of professional

responsibility and a violation of a student’s academic rights.

We do not go to our doctors’ offices and expect to see partisan propaganda posted on the doors, or go to hospital operating rooms and expect to hear political lectures from our surgeons. The same should be true of our classrooms and professors, yet it is not. When I visited the political-science department at the University of Colorado at Denver this year, the office doors and bulletin boards were plastered with cartoons and statements ridiculing Republicans, and only Republicans. When I asked President Hoffman about that, she assured me that she would request that such partisan materials be removed and an appropriate educational environment restored. To the best of my knowledge, that has yet to happen.

Not everyone would agree about the need for such restraint, and it should be said that the Academic Bill of Rights makes no mention of postings and cartoons—although that does not mean that they are appropriate. I refer to them only to illustrate the problem that exists in the academic culture when it comes to fulfilling professional obligations that professors owe to all students. I would ask liberal professors who are comfortable with such partisan expressions how they would have felt as students seeking guidance from their own professors if they had to walk a gantlet of cartoons portraying Bill Clinton as a lecher, or attacking antiwar protesters as traitors.

The politicized culture of the university is the heart of the problem. At Duke University this year, a history professor welcomed his class with the warning that he had strong “liberal” opinions, and that Republican students should probably drop his course. One student did. Aided by Duke Students for Academic Freedom, the young man then complained. To his credit, the professor apologized. Although some people on the campus said the professor had been joking, the student clearly felt he faced a hostile environment. Why should the professor have thought that partisanship in the classroom was professionally acceptable in the first place?

At the University of North Carolina at Chapel Hill, a required summer-reading program for entering freshmen stirred a controversy in the state legislature last fall. The required text was Barbara Ehrenreich’s socialist tract on poverty in America, *Nickel and Dimed: On (Not) Getting By in America* (Metropolitan Books, 2001). Other universities have required the identical text in similar programs, and several have invited Ehrenreich to campus to present her views under the imprimatur of the institution and without rebuttal.

That reflects an academic culture unhinged. When a university requires a single partisan text of all its students, it is a form of indoctrination, entirely inappropriate for an academic institution. If many universities had required Dinesh D’Souza’s *Illiberal Education: The Politics of Race and Sex on Campus* (Vintage Books, 1992) or Ann Coulter’s *Treason: Liberal Treachery From the Cold War to the War on Terrorism* (Crown Forum, 2003) as their lone freshman-reading text, there would have been a collective howl from liberal faculties, who would have immediately recognized the inappropriateness of such institutional endorsement of controversial views. Why not require two texts, or four? (My stepson, who is a high-school senior, was required to read seven texts during his summer vacation.)

The remedy is so simple. Requiring readings on more than one side of a political controversy would be appropriate educational policy and would strengthen, not weaken, the democracy that supports our educational

system. Why is that not obvious to the administrators at Chapel Hill and the other universities that have instituted such required-reading programs? It's the academic culture, stupid.

Ms. SUTTON. Mr. Speaker, I'd like to take this opportunity to refresh the memory of my colleagues on the other side of the aisle on past rules.

The last time the higher education reauthorization bill was considered in the House was just 2 years ago, in the 109th Congress. It, too, was done under a structured amendment process using two rules. Those two structured rules allowed a total of 22 amendments out of the 113 submitted, fewer than the rule we are offering today.

This is a very fair rule, and I urge my colleagues to support it and the bill. The rule makes in order 27 amendments on a wide variety of important issues relating to the higher education of our Nation's youth and others seeking a post-secondary education. Members on both sides of the aisle will be able to offer amendments that they believe will further improve this already very bipartisan bill.

This bill is one of the most bipartisan products of the 110th Congress, reported from the Education and Labor Committee by a vote of 45-0. There is no arguing with those facts.

And, Mr. Speaker, the benefits of higher education are undeniable for students, their families, and for our country and society at large. As a nation, we recognize this, having always been a global standard bearer and our high regard for the merits of higher education. Reaching the American Dream of leading a secure and fulfilling life is a goal that we can make achievable when we open the doors of college to all.

The fact that this bill passed 45-0 out of the Education Committee is a testament to the great work that the committee has done on this bill and to the fact that we care tremendously about the future of our children.

Listening to parents from my district, Mr. Speaker, and across the country, I hear about how the ability to send their children to college weighs on their minds. And talking to professors, counselors, and administrators at the University of Akron, Loraine County Community College, and other schools across Ohio, I also know that student debt is a tremendous factor in determining which professions our students are choosing to enter.

Nearly two-thirds of all students at 4-year colleges nationwide graduate with loan debt these days, with the average amount of debt surpassing \$15,000. This bill we're passing goes a long way to changing that distressing fact.

By increasing aid and encouraging colleges to rein in tuition, this legislation will enable more students to pursue their passions and give back in service to their communities and our country.

I am proud that this bill continues the work of this New Direction Con-

gress in making necessary improvements for the workforce of tomorrow. We have seen the necessity of investing in stem education, and this legislation continues the effort we began last year in passing the innovation agenda by improving teacher training and development programs and focusing on recruiting teachers into high-demand science and technology fields.

In today's global economy, it's essential that America's workforce remain competitive at an international level.

Mr. Speaker, the Higher Education Act has not been reauthorized in a decade. The Senate has already passed a reauthorization, so we must act expediently to pass this vital bill so the President may sign it into law.

I hope that my colleagues on both sides of the aisle will join me in voting for this bill and supporting a brighter future for our students, our families, and our communities.

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

Mr. HASTINGS of Washington. Mr. Speaker, before I yield to my friend from Utah, the gentlelady made the point in her initial remarks when she was talking about the reauthorization 2 years ago that it was done in a bipartisan way and it was done successfully. We know that this process, the administration already has some problems with it. And while they haven't issued a veto threat, they have some concerns.

With that, Mr. Speaker, I want to yield 3 minutes to the gentleman from Utah (Mr. BISHOP), a member of the committee.

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Mr. BISHOP of Utah. I appreciate the gentleman from Washington yielding me the time.

Mr. Speaker, if you remember back in the 1960s when Volkswagens were very popular and they had this wonderful self-deprecating campaign going on for their advertising. For instance, putting a Volkswagen in a carport and the caption would read, "It makes your house look bigger." My favorite one was taking a Volkswagen, ripping off the fenders, putting big tires on it, putting even a spoiler in the back, a painted stripe, jacking it up on the back, and the caption read "Is nothing sacred?" Sometimes while I've been here in Congress, I have often wondered if nothing is actually sacred.

Education, even higher education, is still the purview of States. The 10th amendment gives them that parameter. And yet it is possible that we often ignore that. It is possible to soup up a Volkswagen, but we never should. It is also possible for us to tell States how to run their policy on education and how to appropriate their money to education, but it never should happen.

The provision to which I object is called "maintenance of effort." This is a provision that was added to the Budget Reconciliation Act, or was attempted to, and was removed. And

most of the people in local government are surprised to see this effort coming back here in this particular bill. This was also not discussed in our committee to any detail.

It is one of those things that the Rules Committee will always talk about how these things should be discussed in committee. But when we, in committee after committee, have major pieces of legislation held close to the vest and only brought forward only hours or days before the actual markup in a committee, oftentimes we find things within those bills that are surprising. This provision was found in this bill, and it was not one of those pleasant surprises.

The maintenance of effort amendment that was put into this bill requires the States to maintain a 5-year rolling average of their funding for higher education, and if they ever go under that 5-year average of education, their LEAP funds, which are now renamed in this particular bill, will be yanked from those States, unless they go to the Department of Education and grovel before the Secretary of Education to try to get some kind of penitence so they can get those moneys back.

This proposal is counterproductive. We all know that States have cyclical budget years like we do. In 2002, the average State increase in higher education was 1.8 percent. In 2006, it was up 9.3 percent. If I was a State legislator again responsible for those budgets, realizing this proposal was in here, when we had a chance to add more money for higher education, knowing we would now be judged on a 5-year rolling average, there is no way I would ever put that kind of increase in there. This is going to be counterproductive to actually States funding their higher education system.

But even if this policy worked, we should not do it. H.L. Mencken once said, "There is always an easy solution to every human problem. It's neat, it's plausible, and it's wrong." Even if this Federal stick to States was effective, it is wrong. It is wrong to tell States how they will appropriate their money. It is wrong to give them more Federal mandates.

Now, the chairman of the committee, Mr. MILLER, will soften this proposal in the manager's amendment. That is good but doesn't nearly go far enough. Mr. HOEKSTRA had a perfect compromise amendment that was refused to be considered by the Rules Committee on a technicality. It is wrong. It should have been considered. And I had an amendment to remove this, to put it back to the status quo so we could have a chance in the committee to discuss this issue, and it was not allowed to be made in order. That is wrong. The proposal is wrong. The discussion process is wrong. If we're not going to discuss these issues in the committee, it should be the purview of allowing people to come here on the floor and discuss these issues, which are not just



technical in nature but philosophical in nature, of what the Federal Government ought to do and what it ought not to do. This particular provision in here should be discussed.

We should know full well what we are doing to States if we move forward in that area. And for the Rules Committee not to make that in order, I think, is wrong.

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

Mr. HASTINGS of Washington. Mr. Speaker, at this time I am pleased to yield 2 minutes to the distinguished ranking member of the Rules Committee, the gentleman from California (Mr. DREIER).

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. I thank my friend for yielding.

This is a very important piece of legislation, Mr. Speaker. We all know, and I was happy to hear my friend in Ohio talk about, the importance of our global competitiveness and we have to have the best educated people as we proceed to make sure that we can compete in that global economy. But I have to say, Mr. Speaker, that the process around which we are considering this very important legislation is just plain wrong.

We had 61 amendments that were submitted to us in the Rules Committee. Now, the last time that this was successfully authorized, as Mr. HASTINGS has pointed out to our colleagues, was 10 years ago. It was done under a modified open rule.

We had four Democrats sit before us on one of the panels last night, and they complimented the Rules Committee members for the hard work. And the very distinguished Chair of the Committee on Rules proceeded to talk about how life was tantamount to a living hell when we as Republicans were in control versus this great new day that we have. Well, Mr. Speaker, let me tell you just a little bit about this great new day that we have.

There have been more than double, I repeat that, more than double the number of closed rules in the first session of the 110th Congress and during this month of January leading up to the first of February than we had in the first session and leading up to the first of February in the 109th Congress, more than double the number of closed rules. And as I said, the last time we authorized this bill was in 1998, and it was done under a modified open rule. Yes, there was an attempt two Congresses ago to do it, and when we had a structured rule, it failed. Why don't those colleagues of ours who are in charge learn from the mistake of having not done this under an open amendment process?

So though we continue to hear, Mr. Speaker, that this is a great new day and all these wonderful changes have taken place, we actually have had Democrats and Republicans, Democrats and Republicans, prevented from improving this bill.

Now, Mr. HASTINGS correctly pointed to the fact that the administration has raised a number of concerns, dozens of new programs that are duplicative that are included in this bill. The President wants to work with us to improve this legislation. Doing it under the structure that we have today undermines the potential to see that happen.

Reject this rule, and let's come back with at least a modified open rule so that we can proceed with something that in a bipartisan way we very much want to see happen.

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

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Minnesota (Mr. KLINE), also a member of the Education and Labor Committee.

Mr. KLINE of Minnesota. I thank the gentleman for yielding.

Mr. Speaker, I rise today in strong opposition to this rule.

The bill under consideration today is a product of a multiyear, bipartisan effort by the Education and Labor Committee. Democrats and Republicans worked together to craft this legislation. Now the Rules Committee has thrown this bipartisan effort to the wind and revealed their true partisan colors that are flying there. By allowing 20 Democrat amendments and only four Republican amendments, the Rules Committee has effectively announced that the minority party is not to be a player. Folks, it isn't fair. It's not a democracy.

I submitted an amendment to the Rules Committee earlier this week. But my colleagues will not even have the chance to consider its merits because it was not made in order by the Rules Committee.

It is a particularly sad statement, given the nature of my amendment. On January 29, the City of Berkeley passed resolutions that, among other things, state that the United States Marine Corps recruiting office "is not welcome in" their "city, and if recruiters choose to stay, they do so as uninvited and unwelcome intruders."

I am appalled.

My amendment addresses this action by denying Federal funding to colleges that contract with an entity that takes action to discriminate or condones discrimination against the military by denying equal public access. The amendment essentially holds colleges and universities accountable for maintaining agreements or contracts with entities that allow this open discrimination.

Mr. Speaker, during the Vietnam era, and I'm old enough to not only remember but to have experienced it, many of our servicemembers and veterans received shameful treatment at the hands of those who opposed our Nation's foreign policy. We must protect our current servicemembers from the same treatment by showing that the Berkeley City Council's appalling behavior is unacceptable in this great Na-

tion. Demonizing the men and women serving our country in the military, as demonstrated by the Berkeley City Council, has no place in our Nation's political discourse.

As a graduate of the ROTC program and a 25-year veteran of the Marine Corps, I am profoundly disappointed with the appalling actions of the Berkeley City Council. Institutions that continue to maintain contracts and agreements with this city are, in effect, condoning this discriminatory and unjust treatment of our servicemembers.

They deserve better from us, Mr. Speaker. This structured rule excluding my amendment denies this body the opportunity to reaffirm our strong support for the men and women who so honorably and bravely defend our Nation.

Mr. Speaker, I urge my colleagues to vote against this restrictive rule.

Ms. SUTTON. Mr. Speaker, I continue to reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Georgia (Mr. GINGREY), former member of the Rules Committee.

Mr. GINGREY. I thank the gentleman for yielding.

Mr. Speaker, I rise not in opposition to the bill. I think there are some good things in the bill. I was a former member of the Education and Workforce Committee. I know our ranking member, Mr. McKEON, is a supporter of the bill. I rise in strong opposition to this rule, Mr. Speaker.

The gentlewoman on the Rules Committee on the majority side, the gentlewoman from Ohio, has mentioned a couple of things in her remarks, talking about what we Republicans did when we controlled this body and, indeed, the Rules Committee and how restrictive we may have been. But what I want to remind her is that I sat on that Rules Committee during that time, and I can remember the comments that were made from the minority, the then Democratic minority, that if they had an opportunity to control this place, then rules would be open and fair and people would be treated fair so that each Member would have an opportunity. They didn't say, Well, when we get the majority, we're going to stick it to you just like you've stuck it to us. So I think they should live by what they said they would do.

And the other thing I want to point out to the gentlewoman from Ohio is that she talked about the bipartisanship on this bill, a 45-0 vote. Well, 45 Members of this body is 10 percent, and 90 percent of us don't get an opportunity to speak on the bill and to offer what I think are very good amendments. Now, 47 were submitted; 27 were made in order. But how many Republican amendments? It was 4 out of 27.

Mine wasn't one of them, and I had a very good amendment, Mr. Speaker. This is the only opportunity I get to

talk about it. It's a bipartisan amendment.

Basically, Mr. Speaker, this amendment deals with FERPA, the Family Education Privacy Rights Act of 1974. The tragedy at Virginia Tech where we lost so many lives was, I think, because colleges and universities misinterpreted that law. And my amendment would simply say that if a parent lists a child, a student, on their tax return as a dependent, even though they might be over age 18 or maybe they are a junior and age 20, but if they are a dependent as verified by the tax return, then those parents should have access to academic records, disciplinary records, drinking on campus, whatever. And many of us, I'm sure, have had college students where because of FERPA we never could find out how our youngsters were doing until they were in dire trouble, maybe flunking out of school or having a substance abuse problem. I commend Representative TIM MURPHY for his work in regard to mental health issues along this same line. But this was a very good amendment, Mr. Speaker, and one that I would think Democrats would want to join Republicans and vice versa and have unanimous support of that.

So I am very disappointed. I am very disappointed not only for myself but for the American people, my constituents, students, and parents all across this country.

So, again, it's not the bill that I am opposed to. I am opposed to this restrictive rule.

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

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I urge my colleagues to vote "no" on this rule so that we can amend it or offer an amendment on earmark reform.

As we heard the President last week speak about earmarks in the State of the Union, to my knowledge, no President has ever talked about something that's ordinarily a House and Senate procedure in his State of the Union comments. But in it he declared war, you may say, on earmarks.

Now, we believe in the prerogative of the legislative branch to put things in the budget and take things out of the budget. Indeed, the White House earmarks all the time. But the reality is, Mr. Speaker, we need to have a discussion on earmarks. We do need to stop the practice of air-dropping earmarks into conference committees, earmarks that haven't been debated, discussed, or had hearings held on them at the House or on the Senate level. I think that's the first step. But I think there is a whole lot of other things we should do.

For example, there are earmarks routinely in the transportation bill.

□ 1115

There are earmarks in trade bills, earmarks all over the place in any tax

bill. We believe that earmarking should be reformed on all committee levels. We always talk about appropriations, but there are lots of committees that do it. If we allow for it, we will set up a joint bicameral, bipartisan select committee on earmarks that will come up with recommendations on how to do a better job with them. This would require, or we would urge, a moratorium on earmarks until the select committee comes back to Congress with recommendations.

But there are so many things that we could do that would improve this process: for example, financial disclosure on earmarks, does the Member have anything at stake to personally gain; transparency so that when an earmark is added on a subcommittee or full committee or floor level, transparency so that the earmark is put in and Members have an opportunity to ask why is that in there, who put it in there, what does it do and why should the people of Idaho have their tax dollars go to something that happens in Florida. We want to be able to have that debate. I think that that is so important.

And, again, there are tax loopholes that are basically industry-specific earmarks. Who puts them? At least with appropriations right now you know who puts them in, but on tax earmarks you do not. The White House does all kinds of earmarking, and we and certainly the press let them get away with it because for some reason they are the White House. But under the constitutional concept of equal branches of government, particularly when spending bills originate in the House, we have the right to earmark; but we should all be measured by the same yardstick.

The other thing that is important is what is the impact of earmarks on the budget. When you take an earmark out of a bill, it does not reduce the bill. Is that something that we should look at? There are all types of things that a bipartisan, bicameral committee could look at that would improve this process. So I urge a "no" vote on the rule so that we can come back and have this opportunity to vote on this amendment.

Ms. SUTTON. Mr. Speaker, I have only one remaining speaker who will close debate for this side. Because we have the right to close, I will reserve the time until the gentleman has closed and yielded back his time.

Mr. HASTINGS of Washington. Mr. Speaker, how much time do I have?

The SPEAKER pro tempore. The gentleman from Washington has 4½ minutes remaining.

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

Mr. Speaker, much has been talked about about this unfair closed rule dealing with this underlying issue, and that seems to be a recurring pattern, and I wish that it would change, but I don't hold out any hope that that will happen. But, Mr. Speaker, since House

earmark rules were changed just last year, loopholes and concerns have been raised. Questions remain such as what is and what is not an earmark; when do earmark rules apply and how are earmark rules enforced? We have seen examples of Members trying to enforce earmark rules only to be told they can't because the rules don't apply, and we have seen earmarks repeatedly air-dropped into bills at the last minute that were not subject to transparency or scrutiny.

Time and time again, Republicans have come to the floor advocating for additional earmark reforms, including stronger transparency and enforceability. Taxpayers also recognize the earmark process is broken and are outraged with wasteful spending. This has led to an erosion of public confidence in Congress and could explain part of the reason why Congress' approval ratings are so low. It is clear Americans want Congress to act now and fix the broken earmark process. An earmark timeout is needed in order to get our fiscal house in order and restore public confidence.

In January, House Republicans united together and called on House Democrats to join us in an immediate moratorium on earmarks and the appointment of a bipartisan, bicameral joint committee to reform the earmark process and eliminate wasteful spending. House Democrat leaders were invited to join with Republicans and take the sensible bicameral course of action and reform a broken earmark process, but Democrats have remained silent and chosen to continue the broken status quo. So, today, I am going to give all Members an opportunity to show their support for a bipartisan solution.

Mr. Speaker, I am asking my colleagues to vote against the previous question so that I can amend the rule to allow the House to immediately consider House Concurrent Resolution 263, which would establish a Joint Select Committee on Earmark Reform. The Joint Select Committee on Earmark Reform would hold hearings and make recommendations for the comprehensive reform of the earmark process. The resolution would also prohibit bills, resolutions, and conference reports containing earmarks requested by Members of Congress or the administration to be considered until the joint select committee has filed its report.

Considering and adopting House Concurrent Resolution 263 today is a sensible, bipartisan solution that will bring genuine accountability and transparency to the spending process and will restore taxpayer trust and the integrity of Congress.

Let me be clear: with my motion, every Member of this House will have a chance to publicly vote and take a stand and end earmark abuse and earmark secrecy. Every Member will vote on whether they believe the earmark process must be reformed.

So, Mr. Speaker, we will do all that we can on our side to challenge the



leaders to adopt this resolution. Until a moratorium or bipartisan committee is in place, House Republicans have adopted already a series of earmark reforms standards that we will adhere to, including barring Members from using taxpayer money named after themselves and prohibiting earmarks from being air-dropped into bills at the last minute to avoid transparency.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment, the letter sent from the Republican leaders to Speaker PELOSI on January 25, 2008, and extraneous materials immediately prior to the vote on the previous question.

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

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I urge all of my colleagues to join me today in acting to permanently change the way in which Washington spends taxpayers' money. Vote "no" on the previous question so we can address this very important House concurrent resolution.

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

Ms. SUTTON. Mr. Speaker, it is my honor to yield the balance of my time to the gentleman from Wisconsin, the distinguished chairman of the Committee on Appropriations (Mr. OBEY), who will close for our side.

Mr. OBEY. Mr. Speaker, to listen to the last two speakers, one would think that they had Rip Van Winkled their way through the last year in this House. For the Republican Party leadership to belatedly give us lectures on earmarks is, in my view, akin to reformed alcoholics giving lectures on temperance.

The higher education bill being debated today is funded through the Labor-H appropriation bill. In fiscal year 1995, the last year I chaired that subcommittee, that bill contained virtually no earmarks. By the year 2000, that same bill contained 491 earmarks; and by 2006, that bill had 3,031 earmarks totaling \$1.2 billion.

The previous Republican leadership was notorious for using earmarks as enticements in order to get their membership to vote for bills that individuals otherwise would not be inclined to vote for. For example, newspapers at the time reported that the previous Republican leadership used earmarks in the Transportation authorization bill as rewards for several Republican Members to switch their votes and agreed to support the Medicare part D provision that forbade the Federal Government from negotiating with the drug industry to provide lower costs for seniors under Medicare.

Under the Republican leadership, the cost of the earmarks quadrupled, and we were treated to stories about Mr. Cunningham, Mr. Ney, Mr. Abramoff abusing the process, as well as several other.

When Democrats took over the House, until we could reform the proc-

ess, we suspended earmarks for a year, over the fierce objections of as many Members of the Republican Party as we saw in my own party.

In response to demands from both parties, after we reformed the process, we then resumed the earmarking process with the expressed intention of cutting in half the cost of earmarks in non-project accounts. We made no such commitments for accounts that are by their nature project-based because to do so would gut the very purpose of the bills under consideration.

For example, the Army Corps budget is by its nature project-based. In fiscal 2006, the administration sent up a budget request for the Army Corps containing 984 projects. Of the final amount provided by the Corps, 86 percent of the projects were administration-requested earmarks. The Corps is an interesting example. The administration argues that they have a system for selecting projects and that they only select projects that score a 3 or better on their scale. However, in 2006, there were 16 projects requested by the administration that did not even qualify for funding based on the administration's own criteria.

After all the shouting was over last year, we essentially met our promise, cutting nonproject earmarks by 43 percent after negotiations with the Senate, cutting it from \$16 billion down to \$9 billion. So we came pretty doggone close to our goal. I would have preferred a larger reduction than 50 percent, but the 43 percent reduction is a 43 percent larger reduction than any Republican Congress ever produced, and we did it under a reform process.

At the beginning of the 110th Congress, the new Democratic majority passed unprecedented new rules that required the listing of the sponsors of every earmark, that required that any Member of Congress requesting an earmark disclose in writing the name and address of the intended recipient, the purpose of the earmark, and required that Members certify that he or she had no financial interest in the project.

We also required that all matters before a conference committee including earmarks must be subjected to full and open debate and that no item might be added to the conference report after the conference committee had adjourned, as has happened many times in the past.

As we moved forward with earmarks last year, I brought a motion to the floor to see if Members wanted to eliminate all earmarks. That motion failed by a vote of 53-369, with a majority of both parties voting against it.

I am assuming they did that because an overwhelming number of honorable Members on both sides of the aisle believe that Members should not lose the ability to fund priority items for their districts because of the scurrilous behavior of a handful of renegade Members.

During House consideration of fiscal year 2008 appropriation bills, 71 ear-

mark-related amendments were debated and voted on in the floor, including three amendments to eliminate all earmarks from the bill under consideration and 68 amendments to eliminate particular earmarks. Of the 48 amendments on which record votes were taken, only 13 received the support of more than half the Republicans who voted. On those 13, the percentage of Republicans voting "yes" never exceeded 57 percent.

Every Member knows that even if the House unilaterally suspends earmarks, the Senate will not follow suit. A firm majority on both sides will see to that. I have learned that lesson the hard way.

One last point: the resolution introduced by our friends on the other side calls for the suspension of earmarks for 6 months until yet another group offers their suggestions for change. It is ironic indeed that that delay would force us to do the same thing that the Republican leadership so roundly criticized me for last year when I proposed to delay earmarks 1 month until we had more time to review them. The practical effect of the resolution which our Republican friends want to bring up to date, even though it is non-germane to this bill, would be to require the air-dropping of every single earmark in the entire Federal budget. It would guarantee that no earmarks could be discussed or debated while the bill was on the floor of the House of Representatives. It would then give you in spades what our friends on the Republican side said last year they wanted to avoid.

I fail to see how requiring every single earmark in appropriation bills this year, I fail to see how requiring all of those earmarks to be air-dropped rather than debated when we consider the bills is reform. It moves exactly in the opposite direction of that which our Republican friends said we should move last year. So as far as I am concerned, the truth is this is not serious reform at all. It is a grandstanding attempt to escape the reputation of previous Congresses. If I had presided over those previous Congresses, I would be running away from their reputation just as fast as the minority appears to be today.

Mr. WOLF. Mr. Speaker, by defeating the previous question on the rule, Members will allow consideration of H. Con. Res. 263, earmark reform legislation introduced by JACK KINGSTON, ZACH WAMP, and myself.

Quite frankly, our effort in the House to bring a level of transparency in the earmark process has yet to satisfy the American public. Congress holds the power of the purse and I don't believe the American public really wants us to cede that authority to the executive branch. And while I believe that the majority of earmarks are for purposes which help people, those Members who oppose earmarks have made some legitimate claims.

H. Con. Res. 263 would help restore confidence in Congress by creating a Joint Select Committee on earmarks and place a moratorium on all earmarks while the panel undertakes its work. The Joint Select Committee

(JSC) on Earmark Reform would be comprised of 16 members, evenly split between the House and Senate and Republicans and Democrats. The panel would examine the way earmarks are included in authorizing, appropriations and tax and tariff measures. Executive branch earmarks would also be studied. Reviewing earmarks in all bills considered by Congress is key.

The House should place a moratorium on all earmarks until the Joint Select Committee has finished its work and we are able to put into place a rules system that restores the confidence of Americans that legislation is not loaded up with hidden special interest, wasteful spending. I strongly support earmark reform including listing names of sponsors of earmarks or specific line-item spending. But the rules must apply an equal standard in all legislation, appropriations as well as authorizing and tax bills, in disclosing earmark sponsors. It must be across-the-board in every bill, but it also must be a process of indisputable integrity and probity that is honest and authentic and in which the American people have absolute trust.

Earmark reform should be a bipartisan issue that every member of Congress is concerned about.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 4137, the College Opportunity and Affordability Act, introduced by my distinguished colleague from California, Representative GEORGE MILLER. This significant piece of legislation provides greater access to colleges and universities making higher education affordable for all Americans, not just the wealthy.

A quality education continues to be the best pathway to social and economic mobility in this country. As a Member and Senior Whip of the Congressional Black Caucus, I have consistently advocated for the maintenance of Historically Black Colleges and Universities. This legislation will increase funding to Historically Black Colleges and Universities, as well as Hispanic and other minority-serving institutions, and it will expand college access and support for low-income and minority students.

This legislation contains provisions allowing students to receive Pell Grant scholarships year-round, and it increases the Pell Grant maximum to \$9,000. In addition, it strengthens college readiness programs, namely the TRIO and GEAR UP college readiness and support programs for low-income and first-generation students. These increases will expand college access for low-income and minority students. The amendment offered by my colleagues Representative EDDIE BERNICE JOHNSON and Representative DON YOUNG, expands upon current Pell Grant eligibility allowing children who lost a mother or father to our wars in Iraq or Afghanistan eligible for the maximum amount of Pell Grant assistance. In this age of global war on terror, it is imperative that we ensure that those left behind by those who the ultimate sacrifice for our great nation are given the greatest opportunity our country can provide. As such, I encourage all my colleagues to join me in supporting this important amendment.

In Texas, over 87,000 African-Americans are incarcerated compared to approximately 48,000 African-Americans attending college or university. The disparity between the percentages of our youth in prison versus the number of young people in college, particularly in the

African-American community, is disturbing to say the least. Higher education continues to be one of the main pathways to social and economic mobility, particularly in the African-American and Hispanic communities. I strongly support the amendment offered by my distinguished colleagues, Representatives ALCEE HASTINGS and Representative LINDA SÁNCHEZ, authorizing a nationwide program through the Department of Education to promote holistic community-centered partnerships aimed at mitigating gang violence and reducing recidivism rates among juvenile ex-offenders previously detained for gang-related offenses. This amendment a second-chance to America's most vulnerable youth, I fully support the vision of this amendment and urge my colleagues to join me in supporting this amendment.

Mr. Speaker, this legislation contains important provisions opening up even wider opportunities for our veterans by increasing college aid and housing aid for not only veterans, but their families. This legislation creates a new scholarship program for active duty military personnel and family members, including children and spouses of active duty military service members or veterans. It establishes support centers to help veterans succeed in college and graduate. Finally, it ensures fairness in student aid and housing aid for veterans, making it easier for them to attend college while also fulfilling their military service duties.

Mr. Speaker, I would also like to express my strong support for an amendment introduced by my distinguished colleague, Congressman DANNY DAVIS, restoring safeguards to student loan borrowers. Mr. Speaker, students who take out loans borrow money as part of their pursuit to better themselves and contribute to the advancement of our nation and economy. However, current bankruptcy laws apply the same severe standards to student borrowers that it applies to those trying to escape child support payments, alimony, overdue taxes, and criminal fines. Under Mr. DAVIS's amendment, government student loans and loans made by nonprofit entities would remain non-dischargeable; other student loans, made by for-profit banks and other lenders, would continue to be non-dischargeable for the first five years after they come due, and after that time they would be treated like other unsecured consumer loans in bankruptcy. Mr. Speaker, I strongly urge my colleagues to support this amendment, and to work to restore bankruptcy protection to private student loans.

Understanding the federal application for Federal Student Aid can be challenging and complex even for the most knowledgeable parent. The College Opportunity and Affordability Act would streamline and simplify the application process giving families the tools they need to properly plan for their college expenses. This legislation will reform our higher education system ensuring students and their families have the information they need to understand their borrowing options when applying for federal and private loans.

Mr. Speaker, as an active Member of the Committee on Homeland Security, I am extremely supportive of the provisions in this legislation that boost campus safety and disaster readiness plans. Last year's tragedy at Virginia Tech has illustrated the horror to which students might be exposed, and natural disasters in recent years have underlined the necessity of having campus disaster plans.

This legislation helps all colleges develop and implement state-of-the-art emergency systems and campus safety plans, and it requires that the Department of Education to develop and maintain a disaster plan in preparation for emergencies. In addition, this legislation creates a National Center for Campus Safety at the Department of Justice to work in collaboration with the COPS program. Finally, it establishes a disaster relief loan program, to help schools recover and rebuild in the event of a disaster.

This important piece of legislation gives our youth, our veterans, and our families the opportunity to not only dream of attending college but actually realize that dream. I urge my colleagues to join me in supporting H.R. 4137.

□ 1130

The material previously referred to by Mr. HASTINGS of Washington is as follows:

AMENDMENT TO H. RES. 956 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

SEC. 7. That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider in the House the concurrent resolution (H. Con. Res. 263) to establish the Joint Select Committee on Earmark Reform, and for other purposes. The concurrent resolution shall be considered as read. The previous question shall be considered as ordered on the concurrent resolution to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; and (2) one motion to recommit.

HOUSE OF REPRESENTATIVES,  
Washington, DC, January 25, 2008.

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

DEAR SPEAKER PELOSI: The earmark process in Congress has become a symbol of a broken Washington. Wasteful pork-barrel spending has outraged American families and eroded public confidence in our institution. Both of our parties bear responsibility for this failure.

We write tonight to notify you that House Republicans believe that the earmark system should be brought to an immediate halt, and a bipartisan select committee should immediately be established for the purpose of identifying ways to bring fundamental change to the way in which Washington spends taxpayers' money.

In the spirit of bipartisan cooperation fostered by our recent cooperation on a short-term economic growth package, we offer our hope that you and the members of the House Democratic Caucus will join House Republicans in supporting these steps, which are urgently needed to begin the process of fixing Washington's broken spending practices and restoring trust between the American people and their elected leaders. We respectfully ask that you and your Caucus consider these urgently-needed actions and join us in supporting them by the conclusion of your Caucus retreat next week.

In the interim, until a complete earmark moratorium is in place and a bipartisan panel is formed to identify ways to fix Washington's wasteful pork-barrel spending habits, House Republicans will proceed with the adoption of a series of earmark reform standards we will insist that all House Republican members honor. These earmark reform standards include:

No more “monuments to me.” Lawmakers should not use taxpayer money to fund projects named after themselves.

No more “airdrops.” The process by which Congress spends the American people’s money should be completely transparent. Members of Congress should not circumvent transparency by airdropping earmarks into bills in conference at the last minute.

No more “fronts” or “pass-through” entities. Taxpayer funds should not be laundered through “front” operations that mask their true recipients.

Members of Congress who request earmarks should put forth a plan detailing exactly how the money will be spent and why they believe the use of taxpayer funding is justified. Members of Congress who “secure” earmarks should place these plans in the Congressional Record well in advance of floor votes on those earmarks.

To improve accountability, Members of Congress should require outside earmark recipients to put up “matching funds” where applicable so that American taxpayers do not bear all the risk for such expenditures.

The Executive Branch should be held accountable for its own earmark practices. The Executive Branch asks for earmarks, too, and has done so under administrations Democratic and Republican alike. Members of Congress should hold present and future Administrations accountable for the way in which taxpayer-funded earmarks are used.

It is our hope that you and your members will discuss and move quickly to adopt similar standards during your Caucus retreat.

The American people believe Washington is broken. Bold action must be taken to show them we can fix it. We believe the actions House Republicans are taking today can be a starting point for this kind of change. We hope that by the end of your own Caucus retreat next week, you and all House Democrats will join us in supporting an immediate moratorium on all earmarks and the immediate formation of a bipartisan panel for the purpose of identifying ways to end wasteful pork-barrel spending in Washington and bring needed change to the way in which Congress spends taxpayers’ hard-earned money.

Sincerely,

JOHN A. BOEHNER,  
*Republican Leader.*

ROY BLUNT,  
*Republican Whip.*

ADAM PUTNAM,  
*Chairman, Republican Conference.*

KAY GRANGER,  
*Vice-Chair, Republican Conference.*

TOM COLE,  
*Chairman, National Republican Congressional Committee.*

DAVID DREIER,  
*Ranking Republican, Committee on Rules.*

THADDEUS MCCOTTER,  
*Chairman, Republican Policy Committee.*

JOHN CARTER,  
*Secretary, Republican Conference.*

ERIC CANTOR,  
*Chief Deputy Whip.*

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

#### THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not

merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon’s Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as “a motion to direct or control the consideration of the subject before the House being made by the Member in charge.” To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker’s ruling of January 13, 1920, to the effect that “the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition” in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: “The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.”

Because the vote today may look bad for the Democratic majority they will say “the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution [and] has no substantive legislative or policy implications whatsoever.” But that is not what they have . . . always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here’s how the Rules Committee described the rule using information from Congressional Quarterly’s “American Congressional Dictionary”: “If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.”

Deschler’s Procedure in the U.S. House of Representatives, the subchapter titled “Amending Special Rules” states: “a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.” (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.”

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority’s agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. SUTTON. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Ms. SUTTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adopting House Resolution 956; suspending the rules and adopting House Concurrent Resolution 283; and suspending the rules and passing H.R. 4848.

The vote was taken by electronic device, and there were—yeas 204, nays 196, not voting 29, as follows:

[Roll No. 32]

#### YEAS—204

Abercrombie	Gutierrez	Obey
Ackerman	Hall (NY)	Oliver
Allen	Harman	Ortiz
Altmire	Hastings (FL)	Pallone
Andrews	Herseht Sandlin	Pascarell
Arcuri	Higgins	Pastor
Baca	Hinchey	Payne
Baird	Hirono	Perlmutter
Bean	Hodes	Peterson (MN)
Becerra	Holden	Pomeroy
Berkley	Holt	Price (NC)
Berman	Honda	Rahall
Berry	Hooley	Rangel
Bishop (GA)	Hoyer	Reyes
Bishop (NY)	Inslee	Richardson
Blumenauer	Israel	Rodriguez
Boren	Jackson (IL)	Ross
Boswell	Jackson-Lee	Rothman
Boyd (FL)	(TX)	Roybal-Allard
Brady (PA)	Jefferson	Rush
Braley (IA)	Johnson (GA)	Ryan (OH)
Brown, Corrine	Johnson, E. B.	Salazar
Butterfield	Jones (OH)	Sánchez, Linda
Capps	Kagen	T.
Capuano	Kanjorski	Sarbanes
Cardoza	Kaptur	Schakowsky
Carnahan	Kennedy	Schiff
Carney	Kildee	Schwartz
Castor	Kilpatrick	Scott (GA)
Chandler	Kind	Scott (VA)
Clarke	Klein (FL)	Serrano
Clay	Kucinich	Sestak
Cleaver	Langevin	Shea-Porter
Clyburn	Larsen (WA)	Sherman
Cohen	Larson (CT)	Shuler
Conyers	Lee	Sires
Cooper	Levin	Skelton
Costa	Lewis (GA)	Slaughter
Costello	Loeb sack	Snyder
Courtney	Lofgren, Zoe	Solis
Crowley	Lynch	Space
Cuellar	Maloney (NY)	Spratt
Cummings	Markey	Stark
Davis (AL)	Marshall	Stupak
Davis (CA)	Matheson	Sutton
Davis (IL)	Matsui	Tauscher
DeFazio	McCarthy (NY)	Taylor
DeGette	McCollum (MN)	Thompson (CA)
Delahunt	McDermott	Thompson (MS)
DeLauro	McGovern	Tierney
Dicks	McIntyre	Tsongas
Dingell	McNerney	Udall (CO)
Doggett	McNulty	Udall (NM)
Doyle	Meeks (NY)	Van Hollen
Edwards	Melancon	Velázquez
Ellison	Michaud	Visclosky
Emanuel	Miller (NC)	Walz (MN)
Engel	Miller, George	Wasserman
Eshoo	Mitchell	Schultz
Etheridge	Mollohan	Waters
Fattah	Moore (KS)	Watson
Frank (MA)	Moran (VA)	Watt
Giffords	Murphy (CT)	Waxman
Gillibrand	Murphy, Patrick	Weiner
Gonzalez	Murtha	Welch (VT)
Gordon	Nadler	Wexler
Green, Al	Napolitano	Wilson (OH)
Green, Gene	Neal (MA)	Wu
Grijalva	Oberstar	Yarmuth

#### NAYS—196

Aderholt	Barton (TX)	Bono Mack
Akin	Biggart	Boozman
Alexander	Bilbray	Boustany
Bachmann	Bilirakis	Boyd (KS)
Bachus	Bishop (UT)	Brady (TX)
Barrett (SC)	Blunt	Brown (GA)
Barrow	Boehner	Brown (SC)
Bartlett (MD)	Bonner	

Brown-Waite, Hensarling  
Ginny Herger  
Buchanan Hill  
Burgess Hobson  
Burton (IN) Hoekstra  
Buyer Hulshof  
Calvert Hunter  
Camp (MI) Inglis (SC)  
Campbell (CA) Issa  
Cannon Johnson (IL)  
Cantor Johnson, Sam  
Capito Jones (NC)  
Carter Jordan  
Castle Keller  
Chabot King (IA)  
Coble King (NY)  
Cole (OK) Kingston  
Conaway Kirk  
Crenshaw Kline (MN)  
Cubin Knollenberg  
Culberson Kuhl (NY)  
Davis (KY) LaHood  
Davis, David Lamborn  
Davis, Tom Lampson  
Deal (GA) Latham  
Dent LaTourette  
Diaz-Balart, L. Latta  
Diaz-Balart, M. Lewis (CA)  
Donnelly Lewis (KY)  
Doolittle Linder  
Drake LoBiondo  
Dreier Lucas  
Duncan Lungren, Daniel  
Ehlers E.  
Ellsworth Mack  
Emerson Mahoney (FL)  
English (PA) Marchant  
Fallin McCarthy (CA)  
Feeney McCaul (TX)  
Ferguson McCotter  
Flake McCrery  
Forbes McHenry  
Fossella McHugh  
Foxy McKeon  
Franks (AZ) McMorris  
Frelinghuysen Rodgers  
Gallegly Mica  
Garrett (NJ) Miller (FL)  
Gerlach Miller (MI)  
Gilchrest Miller, Gary  
Gingrey Moran (KS)  
Gohmert Murphy, Tim  
Goode Musgrave  
Goodlatte Myrick  
Granger Neugebauer  
Hall (TX) Nunes  
Hastings (WA) Paul  
Hayes Pearce  
Heller Pence

## NOT VOTING—29

Baldwin Hare  
Blackburn Hinojosa  
Boucher Lantos  
Cramer Lipinski  
Davis, Lincoln Lowey  
Everett Manzullo  
Farr Meek (FL)  
Filner Moore (WI)  
Fortenberry Petri  
Graves Porter

□ 1157

Messrs. REHBERG, SHIMKUS, LINDER, HELLER of Nevada, Mrs. CUBIN, Messrs. ROGERS of Alabama, MCCOTTER, STEARNS, BARTON of Texas, ELLSWORTH and YOUNG of Alaska changed their vote from “yea” to “nay.”

So the previous question was ordered. The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 32, I was away from the Capitol attending a function in my capacity as Chairman of the House Veterans' Affairs Committee. Had I been present, I would have voted “yea.”

Mr. HINOJOSA. Mr. Speaker, on rollcall No. 32, had I been present, I would have voted “yea.”

Stated against:

Peterson (PA) Pickering  
Pitts Pitts  
Platts Platts  
Poe Poe  
Price (GA) Price (GA)  
Putnam Putnam  
Radanovich Radanovich  
Ramstad Ramstad  
Regula Regula  
Rehberg Rehberg  
Reichert Reichert  
Renzi Renzi  
Reynolds Reynolds  
Rogers (AL) Rogers (AL)  
Rogers (KY) Rogers (KY)  
Rogers (MI) Rogers (MI)  
Rohrabacher Rohrabacher  
Ros-Lehtinen Ros-Lehtinen  
Roskam Roskam  
Royce Royce  
Sali Sali  
Saxton Saxton  
Schmidt Schmidt  
Sensenbrenner Sensenbrenner  
Sessions Sessions  
Shadegg Shadegg  
Sha's Sha's  
Shimkus Shimkus  
Shuster Shuster  
Simpson Simpson  
Smith (NE) Smith (NE)  
Smith (NJ) Smith (NJ)  
Smith (TX) Smith (TX)  
Souder Souder  
Stearns Stearns  
Sullivan Sullivan  
Tancredo Tancredo  
Terry Terry  
Thornberry Thornberry  
Tiahrt Tiahrt  
Tiberi Tiberi  
Turner Turner  
Upton Upton  
Walberg Walberg  
Walden (OR) Walden (OR)  
Walsh (NY) Walsh (NY)  
Wamp Wamp  
Weldon (FL) Weldon (FL)  
Weller Weller  
Westmoreland Westmoreland  
Whitfield (KY) Whitfield (KY)  
Wilson (NM) Wilson (NM)  
Wilson (SC) Wilson (SC)  
Wittman (VA) Wittman (VA)  
Wolf Wolf  
Young (AK) Young (AK)  
Young (FL) Young (FL)

Pryce (OH) Pryce (OH)  
Ruppersberger Ruppersberger  
Ryan (WI) Ryan (WI)  
Sanchez, Loretta Sanchez, Loretta  
Smith (WA) Smith (WA)  
Tanner Tanner  
Towns Towns  
Woolsey Woolsey  
Wynn Wynn

Mr. RYAN. Mr. Speaker, on rollcall No. 32, on ordering the Previous Question on the Rule to provide for consideration of H.R. 4137, I was absent due to inclement weather grounding flights in Wisconsin. Had I been present, I would have voted “nay.”

The SPEAKER pro tempore. The question is on the resolution.

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

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 214, nays 190, not voting 25, as follows:

[Roll No. 33]

## YEAS—214

Abercrombie Green, Gene  
Ackerman Grijalva  
Allen Gutierrez  
Altmire Hall (NY)  
Andrews Hare  
Arcuri Harman  
Baca Hastings (FL)  
Baird Herseeth Sandlin  
Barrow Higgins  
Bean Hinchey  
Becerra Hinojosa  
Berkley Hirono  
Berman Hodes  
Berry Holden  
Bishop (GA) Holt  
Bishop (NY) Honda  
Blumenauer Hooley  
Boren Hoyer  
Boswell Inslee  
Boyd (FL) Israel  
Boyd (KS) Jackson (IL)  
Brady (PA) Jackson-Lee  
Brady (IA) (TX)  
Brown, Corrine Jefferson  
Butterfield Johnson (GA)  
Capps Johnson, E. B.  
Capuano Jones (OH)  
Cardoza Kagen  
Carnahan Kanjorski  
Carney Kaptur  
Castor Kennedy  
Chandler Kildee  
Clarke Kilpatrick  
Clay Kind  
Cleaver Klein (FL)  
Clyburn Kucinich  
Cohen Lampson  
Conyers Langevin  
Cooper Larsen (WA)  
Costa Larson (CT)  
Costello Lee  
Courtney Levin  
Crowley Lewis (GA)  
Culler Lipinski  
Cummings Loeb'sack  
Davis (AL) Lofgren, Zoe  
Davis (CA) Lynch  
Davis (IL) Mahoney (FL)  
DeFazio Maloney (NY)  
DeGette Markey  
Delahunt Marshall  
DeLauro Matheson  
Dicks Matsui  
Dingell McCarthy (NY)  
Doggett McColm (MN)  
Donnelly McDermott  
Doyle McGovern  
Edwards McIntyre  
Ellison McNerney  
Ellsworth McNulty  
Emanuel Meek (FL)  
Engel Meeks (NY)  
Eshoo Melancon  
Fattah Michaud  
Frank (MA) Miller (NC)  
Giffords Miller, George  
Gillibrand Mitchell  
Gonzalez Mollohan  
Gordon Moore (KS)  
Green, Al Moore (WI)

Waxman  
Weiner  
Welch (VT)

Wexler  
Wilson (OH)  
Wu

## NAYS—190

Aderholt Gallegly  
Akin Garrett (NJ)  
Alexander Gerlach  
Bachmann Gilchrest  
Bachus Gingrey  
Barrett (SC) Gohmert  
Bartlett (MD) Goode  
Barton (TX) Goodlatte  
Biggert Granger  
Bilbray Hall (TX)  
Bilirakis Hastings (WA)  
Bishop (UT) Hayes  
Blunt Heller  
Boehner Hensarling  
Bonner Herger  
Bono Mack Hill  
Boozman Hobson  
Boustany Hoekstra  
Brady (TX) Hulshof  
Broun (GA) Hunter  
Brown (SC) Inglis (SC)  
Brown-Waite, Issa  
Ginny Johnson (IL)  
Buchanan Johnson, Sam  
Burgess Jones (NC)  
Burton (IN) Jordan  
Buyer Keller  
Calvert King (IA)  
Camp (MI) King (NY)  
Campbell (CA) Kingston  
Cannon Kirk  
Cantor Kline (MN)  
Capito Knollenberg  
Carter Kuhl (NY)  
Castle LaHood  
Chabot Lamborn  
Coble Latham  
Cole (OK) LaTourette  
Conaway Latta  
Crenshaw Lewis (CA)  
Cubin Lewis (KY)  
Culberson Linder  
Davis (KY) LoBiondo  
Davis, David Lucas  
Davis, Tom Lungren, Daniel  
Deal (GA) E.  
Dent Mack  
Diaz-Balart, L. Marchant  
Diaz-Balart, M. McCarthy (CA)  
Doolittle McCaul (TX)  
Drake McCotter  
Dreier McCrery  
Duncan McHenry  
Ehlers McHugh  
Emerson McKeon  
English (PA) McMorris  
Etheridge Rodgers  
Fallin Mica  
Feeney Miller (FL)  
Flake Miller (MI)  
Forbes Miller, Gary  
Fossella Moran (KS)  
Foxy Murphy, Tim  
Franks (AZ) Musgrave  
Frelinghuysen Myrick

## NOT VOTING—25

Baldwin Fortenberry  
Blackburn Graves  
Boucher Lantos  
Cramer Lowey  
Davis, Lincoln Manzullo  
Everett Porter  
Farr Pryce (OH)  
Ferguson Ruppersberger  
Filner Ryan (WI)

□ 1205

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 33, I was away from the Capitol attending a function in my capacity as Chairman of the House

Veterans' Affairs Committee. Had I been present, I would have voted "yea."

Stated against:

Mr. RYAN. Mr. Speaker, on rollcall No. 33, H. Res. 956, the rule to provide consideration of H.R. 4137, I was absent due to inclement weather grounding flights from Wisconsin. Had I been present, I would have voted "nay."

### CALLING FOR A PEACEFUL RESOLUTION TO THE CURRENT ELECTORAL CRISIS IN KENYA

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 283, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PAYNE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 283, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 405, nays 1, not voting 23, as follows:

[Roll No. 34]

YEAS—405

Abercrombie	Cantor	Ehlers
Ackerman	Capito	Ellison
Aderholt	Capps	Ellsworth
Akin	Capuano	Emanuel
Alexander	Cardoza	Engel
Allen	Carmahan	English (PA)
Altmire	Carney	Eshoo
Andrews	Carter	Etheridge
Arcuri	Castle	Fallin
Baca	Castor	Fattah
Bachmann	Chabot	Feeney
Bachus	Chandler	Ferguson
Baird	Clarke	Flake
Barrett (SC)	Clay	Forbes
Barrow	Cleaver	Fossella
Bartlett (MD)	Clyburn	Fox
Barton (TX)	Coble	Frank (MA)
Bean	Cohen	Franks (AZ)
Becerra	Cole (OK)	Frelinghuysen
Berkley	Conaway	Gallely
Berman	Conyers	Garrett (NJ)
Berry	Cooper	Gerlach
Biggart	Costa	Giffords
Bilbray	Costello	Gilchrest
Bilirakis	Courtney	Gillibrand
Bishop (GA)	Crenshaw	Gingrey
Bishop (NY)	Crowley	Gohmert
Bishop (UT)	Cubin	Gonzalez
Blumenauer	Cuellar	Goode
Blunt	Culberson	Goodlatte
Boehner	Cummings	Gordon
Bonner	Davis (AL)	Granger
Bono Mack	Davis (CA)	Green, Al
Boozman	Davis (IL)	Green, Gene
Boren	Davis (KY)	Grijalva
Boswell	Davis, David	Hall (NY)
Boustany	Davis, Lincoln	Hall (TX)
Boyd (FL)	Davis, Tom	Hare
Boyd (KS)	Deal (GA)	Harman
Brady (PA)	DeFazio	Hastings (FL)
Brady (TX)	DeGette	Hastings (WA)
Braley (IA)	DeLauro	Hayes
Broun (GA)	Dent	Heller
Brown (SC)	Diaz-Balart, L.	Hensarling
Brown, Corrine	Diaz-Balart, M.	Herger
Brown-Waite,	Ginny	Herseth Sandlin
Buchanan	Dingell	Higgins
Burgess	Doggett	Hill
Burton (IN)	Donnelly	Hinche
Butterfield	Doolittle	Hinojosa
Buyer	Doyle	Hirono
Calvert	Drake	Hobson
Camp (MI)	Dreier	Hodes
Campbell (CA)	Duncan	Hoekstra
Cannon	Edwards	Holden
		Holt

Honda	McNerney	Schakowsky
Hooley	McNulty	Schiff
Hoyer	Meek (FL)	Schmidt
Hulshof	Meeke (NY)	Schwartz
Hunter	Melancon	Scott (GA)
Inglis (SC)	Mica	Scott (VA)
Inslee	Michaud	Sensenbrenner
Israel	Miller (FL)	Serrano
Issa	Miller (MI)	Sessions
Jackson (IL)	Miller (NC)	Sestak
Jackson-Lee	Miller, Gary	Shadegg
(TX)	Miller, George	Shays
Jefferson	Mitchell	Shea-Porter
Johnson (GA)	Mollohan	Sherman
Johnson (IL)	Moore (KS)	Shimkus
Johnson, E. B.	Moore (WI)	Shuler
Johnson, Sam	Moran (KS)	Shuster
Jones (NC)	Moran (VA)	Simpson
Jones (OH)	Murphy (CT)	Sires
Jordan	Murphy, Patrick	Skelton
Kagen	Murphy, Tim	Slaughter
Kanjorski	Murtha	Smith (NE)
Kaptur	Musgrave	Smith (TX)
Keller	Myrick	Snyder
Kennedy	Nadler	Solis
Kildee	Napolitano	Souder
Kilpatrick	Neal (MA)	Space
Kind	Neugebauer	Spratt
King (IA)	Nunes	Stark
King (NY)	Oberstar	Stearns
Kingston	Obey	Stupak
Kirk	Oliver	Sullivan
Klein (FL)	Ortiz	Tancredo
Kline (MN)	Pallone	Tauscher
Knollenberg	Pascarell	Taylor
Kucinich	Pastor	Terry
Kuhl (NY)	Payne	Thompson (CA)
LaHood	Pearce	Thompson (MS)
Lamborn	Pence	Thornberry
Lampson	Perlmutter	Tiahrt
Langevin	Peterson (MN)	Tiberi
Larsen (WA)	Peterson (PA)	Tierney
Larson (CT)	Petri	Towns
Latham	Pickering	Tsongas
LaTourette	Pitts	Turner
Latta	Platts	Udall (CO)
Lee	Poe	Udall (NM)
Levin	Pomeroy	Upton
Lewis (CA)	Price (GA)	Van Hollen
Lewis (GA)	Price (NC)	Velázquez
Lewis (KY)	Putnam	Visclosky
Linder	Radanovich	Walberg
Lipinski	Rahall	Walden (OR)
LoBiondo	Rangel	Walsh (NY)
Loebach	Regula	Walz (MN)
Lofgren, Zoe	Rehberg	Wamp
Lucas	Reichert	Wasserman
Lungren, Daniel	Renzi	Schultz
E.	Reyes	Waters
Lynch	Reynolds	Watson
Mack	Richardson	Watt
Mahoney (FL)	Rodriguez	Waxman
Maloney (NY)	Rogers (AL)	Weiner
Marchant	Rogers (KY)	Welch (VT)
Markey	Rogers (MI)	Weldon (FL)
Marshall	Rohrabacher	Weller
Matheson	Ros-Lehtinen	Westmoreland
Matsui	Roskam	Wexler
McCarthy (CA)	Ross	Whitfield (KY)
McCarthy (NY)	Rothman	Wilson (NM)
McCaul (TX)	Roybal-Allard	Wilson (OH)
McCollum (MN)	Royce	Wilson (SC)
McCotter	Rush	Wittman (VA)
McCrery	Ryan (OH)	Wolf
McDermott	Salazar	Wu
McGovern	Sali	Yarmuth
McHenry	Sánchez, Linda	Young (AK)
McHugh	T.	Young (FL)
McIntyre	Sarbanes	
McKeon	Saxton	
McMorris		
Rodgers		

NAYS—1

Paul

NOT VOTING—23

Baldwin	Fortenberry	Ruppersberger
Blackburn	Graves	Sanchez, Loretta
Boucher	Gutierrez	Smith (NJ)
Cramer	Lantos	Smith (WA)
Emerson	Lowey	Tanner
Everett	Manzullo	Woolsey
Farr	Porter	Wynn
Filner	Pryce (OH)	

□ 1213

So (two-thirds being in the affirmative) the rules were suspended and the

concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Madam Speaker, on rollcall No. 34, I was away from the Capitol attending a function in my capacity as Chairman of the House Veterans' Affairs Committee. Had I been present, I would have voted "yea."

### PERSONAL EXPLANATION

Mr. GRAVES. Madam Speaker, on Thursday, February 7, I missed rollcall votes 32, 33, and 34 due to a delay in my flight. Had I been present, I would have voted "nay" on 32 and 33 and "yea" on 34.

### EXPRESSING SYMPATHY TO VICTIMS OF SOUTHERN STORMS

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

Mr. GORDON of Tennessee. Madam Speaker, my grandfather used to tell me that the most important road in the county was the one in front of your house. And I think we all know that is true in many different ways, particularly in times of tragedy.

We have been in this well and we've talked about Katrina and we have talked about a bridge that fell in Minnesota, and we have all had tragedies in our areas in different ways, and I think we all feel sympathetic.

But for those folks in Arkansas, Alabama, Kentucky, Indiana, Mississippi, and Tennessee, once again we feel it very intensely. It is the road in front of our house today. There were 50 lives lost, 32 in Tennessee, 22 of those were in my district. Many folks were displaced. We are not going to have electricity back in many areas for another few days.

As I ask for a moment of silence, I also want us to feel the community of our entire House and our entire country. I think we felt that as we have helped in other places. Again, I just remind Members that this happened in our area this time. It can happen in your area next time.

But we are all together, and as we commemorate those dead and misplaced in our States, we also want to remember your States, too.

I ask for a moment of silence.

The SPEAKER. All Members will please rise and observe a moment of silence in respect of those affected by the recent tragedy.

### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Without objection, 5-minute voting will continue.

There was no objection.

### EXTENDING PARITY IN APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS

The SPEAKER pro tempore (Mr. HOLDEN). The unfinished business is the