

Now, the gentleman managing the bill on the other side of the aisle asked the question, "Will secondary amendments be allowed?" My understanding is yes. My understanding is that this rule provides—or that this rule does not in any way get in the way of the ability of Members to offer secondary amendments.

So, very simply, this bill is attempting to meet the military needs of the country. It's attempting to meet the needs of our veterans in terms of health care. It's meant to meet the needs of our communities in terms of construction on military bases all around the country.

This bill builds upon the fact that in the last 2 years we have provided the largest increase in veterans' health benefits in the history of the country. This bill continues in that tradition. It is a terrific bill for veterans. It is a terrific bill for the communities that host military facilities around the country. And instead of having a sham debate about legislation which is not before us today, I think we would do well to confine our comments to the bill at hand, which is the military construction bill.

It's a good bill, and I would predict it will be supported on a huge bipartisan basis. It was reported unanimously by the subcommittee. What we ought to do, instead of pretending that there's a procedural problem, when in fact there is none, we ought to get to the subject at hand.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. I thank the gentleman from Washington for yielding me time. In my short time during my service in Congress, I have been a member of the House Veterans' Affairs Committee and have chaired the Health Care Subcommittee, and I am here in the short amount of time I have been allotted to commend the Appropriations Committee for a couple of provisions included in this bill. One deals with travel.

This bill increases the travel reimbursement for our veterans going to a VA hospital or facility from 28.5 cents per mile to 41.5 cents per mile, while we have been discussing the cost of gasoline that has real effects upon our veterans.

As we work to boost VA health care funding, it's important to be reminded that the exceptional medical service that is offered by the VA can only be enjoyed if the veteran can afford to travel to that facility to see that physician.

For most of the time I have been in Congress, I have offered an amendment to the appropriations process to increase that mileage rate. For 30 years, it was 11 cents a mile. Last year, we were successful in increasing it to 28.5 cents and, today, 41.5 cents. I commend my colleagues for their support for that change.

Today's high gas prices mean that many veterans would not otherwise be

able to see and be provided with the health care they need.

The second provision is fee-based care. I am pleased that this subcommittee and the committee has added \$200 million in fee-based services to improve access to veterans care. Earlier this week on the suspension calendar we had legislation that I introduced that would allow a pilot project to access our veterans to health care providers outside the VA system for fee-based care. If you live such a long distance between where you live and the hospital, or where you live and the CBOC, the outpatient clinic, you would be entitled to receive that service through a private pay contract from the VA to that care provider. That bill is H.R. 1527. I am still hopeful it will be on the House floor this week. But this bill provides the funding to allow that service to happen.

So, again, as a Member of Congress who cares strongly about our veterans and who represents a district that is rural, this bill is important, and makes significant strides in taking care of our rural veterans.

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Ms. CASTOR. Mr. Speaker, I reserve the balance of my time until my colleague from Washington has made his closing statement.

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

Mr. Speaker, I listened very closely to what the distinguished chairman of the Appropriations Committee said, and if I infer by what he said, this may be the end of open rules in this House. There have been many people that have said on the floor today that this rule is in fact an open rule.

Mr. Speaker, this is not an open rule. It does not permit an open process that allows Members to come to the floor and offer amendments to this veterans funding bill. Instead, it restricts and closes down the ability, by limiting amendments to only those who preprinted their amendments in the CONGRESSIONAL RECORD. I didn't, Mr. Speaker, so I am prohibited later on today from offering an amendment if I chose to do so. This clearly violates the open process by which appropriations bills have long been considered in this House.

Mr. Speaker, don't take my word for it. I would like to quote several statements from my Democrat colleagues in the past Congress and in this Congress.

On September 15, 2005, this is in the last Congress, Mr. HASTINGS of Florida made the following statement on the House floor about a preprinting requirement for a Coast Guard authorization bill.

Mr. HASTINGS from Florida said, and I am quoting: "I am nevertheless disappointed that the preprinting of amendments was even required. Despite the majority's claims, this legislative process which they call 'open' is

actually restricted. It is not an open rule because every Member is not permitted to offer any germane amendment." Mr. HASTINGS of Florida said that in the last Congress.

In a report prepared by Ms. SLAUGHTER before becoming chairman of the Rules Committee, in this report, which is entitled "Broken Promises: The Death of Deliberative Democracy," Ms. SLAUGHTER and her Democrat colleagues stated, and I quote from page 26 of this report, "Rules with preprinting requirements are not open rules."

Quoting further from the same page: "Further, there is a significant difference between an open rule and a rule with a preprinting requirement. A preprinting requirement forces Members to reveal their amendments in advance of floor consideration, something that may assist the floor managers, but can disadvantage the Member offering it. In addition, a preprinting requirement blocks any amendment proposal that might emerge during the course of debate." That comes from a Democrat publication.

The rule before the House today is not an open rule, by their own definition. The long-standing tradition has been deliberately violated. But don't take my word about the past.

Quoting again from the CONGRESSIONAL RECORD, this is Ms. MATSUI from last year, and she is a member of the Rules Committee, last year in the 110th Congress she states regarding the Energy and Water appropriations bill: "As I mentioned at the outset of this debate, this bill is made in order under an open rule, which is our tradition. I hope that all Members will give that tradition the respect it deserves."

Where is the respect, Mr. Speaker? Where is the respect?

Mr. Speaker, I would like to insert in the RECORD excerpts from "Broken Promises: The Death of Deliberative Democracy," printed by the then-minority party of the Rules Committee.

Finally, Mr. Speaker, this House has been blocked repeatedly for many months from being allowed to vote on lifting the ban on drilling. Congress needs to act now to produce more American-made energy. Congress needs to vote now on lifting the offshore drilling ban. By defeating the previous question on this rule, the House can vote on drilling offshore. When the previous question is defeated, I will move to amend the rule to make in order H.R. 6108, the Deep Ocean Energy Resources Act of 2008.

Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous material inserted in the RECORD 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 want to remind my colleagues this will not slow down the

process of working on the MILCON bill. This is just an addition to it, an addition that I think is very, very important, since Congress is contemplating and probably will go on a 5-week break without taking up any energy legislation.

I urge my colleagues to defeat the previous question so that we can consider this vitally important issue for America.

**BROKEN PROMISES: THE DEATH OF
DELIBERATIVE DEMOCRACY**

A CONGRESSIONAL REPORT ON THE UNPRECEDENTED EROSION OF THE DEMOCRATIC PROCESS IN THE 108TH CONGRESS

(Compiled by the House Rules Committee Minority Office—Hon. Louise M. Slaughter, Ranking Member)

4. Rules with Pre-Printing Requirements are not "Open Rules"

During the 108th Congress, the Rules Committee reported out four rules with a so-called "pre-printing" requirement. This provision requires Members to submit their amendments for publication in the Congressional Record, in accordance with clause 8 of Rule XVIII, on the day preceding floor debate of the legislation. While the majority optimistically calls such rules "modified open rules," we consider them "restrictive" rules and have scored them as such in the appendices attached to this report.

While we concede that considering a bill with a pre-printing requirement is less restrictive than the more common tactic of limiting amendments to those printed in the Rules Committee report, there is a significant difference between an open rule and a rule with a pre-printing requirement. A pre-printing requirement forces Members to reveal their amendments in advance of floor consideration, something that may assist the floor managers, but can disadvantage the Member offering it. In addition, a pre-printing requirement blocks any amendment proposal that might emerge during the course of the debate. When Chairman Dreier was in the minority, he made the following statement about the preprinting requirement during debate on a rule on national service legislation:

"This rule also requires amendments to be printed in the Congressional Record. That might not sound like much, but it is another bad policy that belittles the traditions of House debate. If amendments must be preprinted, then it is impossible to listen to the debate on the floor, come up with a new idea to improve the bill, and then offer an amendment to incorporate that idea. Why do we need this burdensome pre-printing process? Shouldn't the committees that report these bills have a grasp of the issues affecting the legislation under their jurisdiction? Again, Mr. Speaker, I think we can do better."

We agree with Chairman Dreier's statement that the purpose of the amendment process on the floor is to give duly elected Members of Congress the opportunity to shape legislation in a manner that they believe is in the best interest of their constituents and the Nation as a whole. It is not to help the floor manager with his or her job. A majority interested in allowing "the full and free airing of conflicting opinions" would allow at least some House business to occur in an open format—in a procedural framework that allows Members to bring their amendments directly to the floor for discussion and debate under the five-minute rule.

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

Ms. CASTOR. Mr. Speaker, the American people will be pleased today

that the House of Representatives will move and pass, hopefully on a bipartisan basis, like it was in the Appropriations Committee, a bipartisan bill that provides so much for the servicemen and -women and their families who are being asked to sacrifice so much after many years of war.

This bill is a fitting salute and tribute to the men and women who are on the front lines, who are on the battlefield and those in the military and VA hospitals across this country and the outpatient clinics fighting a different kind of war, to help those who return maintain a dignified quality of life for them and their families.

We will also assist veterans of wars past and demonstrate our appreciation for their service by ensuring that their claims will be processed in a timely fashion and that they have access to the range of health care options available to them and every American.

Mr. Speaker, this "New Direction" Congress has pledged to put our troops and veterans first. By restoring GI veterans education benefits, improving veterans health care, rebuilding our military and strengthening other benefits for our troops and military families, we are working to keep our promises to our courageous and faithful men and women in uniform. For too long, officials in Washington have neglected our troops and veterans in a time of war. On the battlefield, the military pledges to leave no soldier behind, and, as a nation, let it be our pledge that when they return home, we leave no veteran behind.

Mr. Speaker, with that, I urge a "yes" vote on the previous question and on the rule.

Mr. DREIER. Mr. Speaker, I rise in strong opposition to this disgraceful rule. To illustrate just how bad this rule is, and to provide some context, I'd like to discuss a few telling numbers. I'm just going to throw these numbers out there for consideration: 12, 7, 4 and 9. That's 12, 7, 4 and 9.

These numbers are significant, and let me tell you why. The first number is 12. The House has 12 appropriations bills that it must consider in order to fund the Federal budget; 12 bills to consider in order to responsibly exercise our constitutional power of the purse; 12 appropriations bills that cover the priorities that are first and foremost in Americans' minds.

We've now reached the final week of July and the Democratic majority has brought up its adjournment resolution. Traditionally, this is the week when the House wraps up its versions of these 12 appropriations bills, or at least a majority of them. The idea is to finalize or make significant progress in our most important duty as legislators before adjourning for a month of recess in August.

So now that we have arrived at the end of July, how many appropriations bills remain for the House to consider? Twelve. Every last one of them. Today we are considering our very first one of 12. The Democratic Majority thought, what the heck, why not squeeze one in before heading out of town. So, we're starting our job right about the time we've traditionally tried to finish it.

And speaking of tradition, one of the longest-held traditions in this body is the practice of considering all regular appropriations bills under a completely open process. This is one of the few opportunities in the House where all Members, majority and minority, have the unfettered ability to offer any amendments they see fit. These amendments are of course subject to points of order, and ultimately a vote. But Members have had the opportunity to offer them and make their case.

Which brings me to the second number on my list: the number 7. We would have to go back 7 years to find any example of restrictions on a general appropriations bill.

In 2001, the Rule providing for consideration of the Foreign Operations bill had a pre-printing requirement. This restriction was entirely unopposed. Not one voice of opposition was raised, and the Rule passed by voice vote.

And what was the reason for this restriction? We had a very busy week, in a very busy month, and we all agreed—Democrats and Republicans—agreed to expedite the procedures. Considering we passed 9 of 13 appropriations bills prior to departing for August recess that year, I suppose you could say the unopposed restrictions were justified. Seven years passed before any restrictions were again imposed.

Until today. Today the Democratic majority is apparently exhausted by their efforts to name post office buildings and avoid meaningful action to bring down energy costs. They are in such a rush to get out the door for a 5-week recess that they insist on bringing up their very first appropriations bill under a restricted Rule. They are denying Members the ability to freely bring their amendments to the floor and have their voices heard.

And to add an element of the absurd, they are actually calling this an open rule. With straight faces, no less.

What's the reason for this closed process? I don't doubt expediency plays a part. When you're rushing out the door, you prefer not to get bogged down by open, substantive debate. But the full explanation lies in what the Democratic majority hopes to avoid—any possibility that Republicans will seek to offer energy-related amendments to the underlying bill.

Which brings us to the third number on my list: the number 4. Americans are paying an average of \$4 for a gallon of gas. The mutually reinforcing trends of high gas prices and high food prices have strained working Americans enormously. They know Government policies bear much of the blame, and they rightly expect this Congress to do something about it.

Republicans have tried every means possible to force this Democratic majority to consider real solutions to our energy crisis. But we have faced nothing but roadblocks.

And now, the Democratic majority is using every trick in the book to get out of town without ever scheduling a meaningful vote. And on their way out the door, they are trampling on the rights of Members to an open and fair appropriations process.

And this brings us to the fourth and final number: the number 9. The latest polls show Congress' approval rating at an abysmal 9 percent. All but 9 percent of the American population thinks we are failing at our job. Frankly, I'd like to know who this 9 percent is who supports what we're doing. Under the

Democratic majority, we are failing in our duty to address Federal spending. We are failing in our duty to find a workable and effective solution to the energy crisis we face. We are failing in our duty to have open and honest debate on the challenges we face. And just this afternoon, we had a vote on a resolution to adjourn, despite all of these failures. Mr. Speaker, the numbers don't lie. I urge my colleagues to oppose this rule.

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

AMENDMENT TO H. RES. 1384 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

SEC. 3. Immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider in the House the bill (H.R. 6108) to provide for exploration, development, and production activities for mineral resources on the outer Continental Shelf, and for other purposes. All points of order against the bill are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill and any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the majority and minority leader, and (2) an amendment in the nature of a substitute if offered by Mr. Rahall of West Virginia or his designee, which shall be considered as read and shall be separately debatable for 40 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

(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. CASTOR. 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 ayes 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. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 3370. An act to resolve pending claims against Libya by United States nationals, and for other purposes.

GENERAL LEAVE

Mr. GEORGE MILLER of California. Mr. Speaker, I request 5 legislative days for Members to revise and extend their remarks and insert extraneous material on the conference report to accompany H.R. 4137.

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

There was no objection.

CONFERENCE REPORT ON H.R. 4137, HIGHER EDUCATION OPPORTUNITY ACT

Mr. GEORGE MILLER of California. Mr. Speaker, pursuant to House Resolution 1389, I call up the conference report on the bill (H.R. 4137) to amend and extend the Higher Education Act of 1965, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1389, the conference report is considered read.

(For conference report and statement, see proceedings of the House of July 30, 2008, at page H7353.)

The SPEAKER pro tempore. The gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. MCKEON) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of the conference report on H.R. 4137, which strengthens and reauthorizes the Higher Education Act. In America, a college degree has always been the ticket to middle class. More and more, our future depends upon our ability to produce well-educated and skilled workers to take the jobs of the 21st century.

Over the past 2 years, this Congress has built a strong record of working in a bipartisan way to make college more affordable and accessible. Last year we enacted the College Cost Reduction and Access Act, which provides for the single largest increase in Federal student aid since the GI Bill.

But we also know that there is still work to do to ensure that the doors of college are truly open to all qualified students who want to attend. The last time the Higher Education Act was authorized was 1998. In those 10 years that have passed, our world and our country have changed, and so have the needs of college-going students.

Today's students face a number of challenges on their path to college, from skyrocketing college tuition prices, to needlessly complicated student aid and application processes, to the predatory tactics of student lenders. This conference report will remove these obstacles and reshape our higher education programs in the best interests of students and families.

To address soaring costs, this legislation will increase the transparency and the accountability of the tuition pricing system, shining a bright light on the prices set by colleges and universities. It requires the Department of Education to create new, user friendly Web sites with helpful information on college prices and the factors that are driving these tuition increases. Colleges with the largest increases in tuition will be required to report their reasons for raising those prices.

This bill will also ensure that States hold up their end of the bargain in