

the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 26, 2015 at 11:35 a.m.:

Appointments:
Senate National Security Working Group for the One Hundred Fourteenth Congress.
Congressional Award Board.
Board of Trustees of the John F. Kennedy Center for the Performing Arts.
Congressional-Executive Commission on the People's Republic of China.
With best wishes, I am
Sincerely,

KAREN L. HAAS.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 5, STUDENT SUCCESS ACT

Ms. FOXX. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 125 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 125

Resolved, That at any time after 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 further consideration of the bill (H.R. 5) to support State and local accountability for public education, protect State and local authority, inform parents of the performance of their children's schools, and for other purposes. No further general debate shall be in order. In lieu of the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 114-8, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. All points of order against provisions in the bill, as amended, are waived. No further amendment to the bill, as amended, shall be in order except those printed in part B of the report of the Committee on Rules. Each such further amendment 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debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, may be withdrawn by its proponent at any time before action thereon, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the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. All points of order against such further amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill, as amended, and any further amendment thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1245

POINT OF ORDER

Mr. POLIS. Mr. Speaker, I make a point of order against consideration of the resolution.

The SPEAKER pro tempore. The gentleman may state his point of order.

Mr. POLIS. Mr. Speaker, I make a point of order against House Resolution 125 because the resolution violates section 426(a) of the Congressional Budget Act. Section 426 of the Budget Act states that the Rules Committee may not waive the point of order prescribed by section 425 of that same act. House Resolution 125 states: "All points of order against such further amendments are waived." The resolution, in waiving all points of order, waives section 425 of the Congressional Budget Act, therefore causing a violation of 426(a).

The SPEAKER pro tempore. The gentleman from Colorado makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

The gentleman has met the threshold burden under the rule, and the gentleman from Colorado and a Member opposed each will control 10 minutes of debate on the question of consideration. Following debate, the Chair will put the question of consideration as the statutory means of disposing of the point of order.

The Chair recognizes the gentleman from Colorado.

Mr. POLIS. Mr. Speaker, this point of order revolves around this entire bill being an unfunded mandate for the States; but, frankly, Mr. Speaker, this is about the work of this body and the work of this country.

Rarely in my time in Congress has this body proven itself as detached and reckless as we do today. We are just over 24 hours away from an automatic shutdown of one of our Nation's greatest defense systems to keep the American people safe, and this body—one of only two bodies with the authority to prevent that shutdown—has no plan.

President Obama made a suggestion last year that we treat families humanely, that we retain the best and brightest of each new generation, we welcome those willing to fight for their citizenship, just as we welcomed my great-grandfather and yours. He did that because this body failed to move forward on a profamily, pro-America agenda.

These are not novel concepts. We stand on a Nation settled, built, and grown by immigrants. When the President acted to give immigrants across this country hope, consistent with actions taken by prior Presidents, he acted to uphold not only the law, but one of our greatest American traditions.

Yet, touting a fundamentally antifamily and un-American agenda, Republican House leadership has made endless attempts to prevent the President's lawful action from taking place. With each repeated attempt to override our constitutional checks and balances, House Republicans are playing games with our time and taxpayer money and, right now, frankly, playing games with our national security.

Time has kept this body from focusing on real issues facing our Nation. The security of our Nation should not be sacrificed for a political agenda, nor can the livelihoods of those who put themselves on the line as our first responders and to protect American soil.

A failure to fund DHS would block critical assistance from reaching snowstorms and wildfires. It could mean a delay in FEMA funding to rebuild communities after disasters like the floods that affected my hometown of Boulder and nearby towns of Loveland and Longmont. It could impede air and ground travel safety and mean withholding of pay from already overworked TSA and CBP workers.

Mr. Speaker, the Senate has come to an agreement, by a vote of 98-2, on consideration of a clean DHS funding bill. I am a cosponsor of a similar bill in the House. The bill extracts politics from the conversation about immigration in exchange for the interests of the American people.

It removes the irrelevant policy riders that undermine the lawful authority of the President of the United States and, instead, focuses on keeping the Department of Homeland Security open through the end of the fiscal year.

Mr. Speaker, this House has the opportunity to bring forward a clean DHS funding bill. We can always continue with Republican political stunts after we secure the safety of the American people.

Mr. Speaker, I yield to the gentleman from Illinois (Mr. GUTIERREZ).

Mr. GUTIERREZ. Mr. Speaker, I would like to, first of all, thank the gentleman for raising the point of order.

Keeping American families safe is the first responsibility of Congress, but Republicans have decided that appeasing the anti-immigrant Tea Party extremists is more important than protecting our homeland.

Just consider one moment—every House Democrat cosponsoring clean legislation to fund DHS. It is clear, therefore, that there are sufficient votes to pass a bill immediately and keep DHS funded and open. However, House Republicans continue to block consideration of a clean bill—a clean bill—DHS bill and sustain their latest manufactured crisis—because this is a manufactured crisis.

Think about it one moment. Three—not one—three former DHS Secretaries—Secretary Ridge, Bush; Secretary Chertoff, Bush; and Secretary Napolitano, Obama—sent a letter to Senators MCCONNELL and REID calling for a clean DHS funding bill. That is Chertoff, Ridge, and Napolitano, all said—former heads of DHS, two Republicans and one Democrat:

It is imperative that we ensure that DHS is ready, willing, and able to protect the American people. To that end, we urge you not to risk funding for the operations that protect every American and to pass a clean DHS funding bill.

I think it is preposterous that Republicans can even suggest a lapse in DHS

funding, dealing a blow to men and women in charge with protecting our homeland at a time when such vigilance is of the utmost necessity.

Do we need to bring up the three jihadists in New York City and Brooklyn and the continuing threats that the head of the FBI tells us exist in every State of the Union and this is a time when we are discussing that we are not going to fund the men and women on the front line at the Department of Homeland Security protecting our Nation?

This is no time for political trickery and manufactured crisis. This is a time to put America first, the safety of American citizens first, and politics and partisanship should be at the bottom rung of any consideration, but that is not what we are doing.

I think it is disrespectful to those who work at DHS, at TSA, at the Coast Guard, at the Border Patrol, ICE, and other agencies—a complete disregard to American people who trust us to govern responsibly. For what? To attack the President.

Remember what I said this morning. Holding hostage the security of our homeland will not force the President of the United States to deport every noncitizen in our country. Republicans want to make a priority deportation, but that is not going to make our country safer.

I find it a bit ironic that it seems to me that the basic reason we are not going to fund a clean DHS—which we had, we had a clean, agreed to by both sides in the House and the Senate, we were ready to go, until the Republicans woke up one day, all angry because the President went and issued an executive order. They said: We have got to go get those immigrants, so let's put at risk the funding of DHS.

That was in order to stop a program that would allow about 4 million parents of American citizen children—4 million parents of American citizen children—go through a background check, get right with the law and about 1 million DREAMers, that is young people who are in this country and came here as children.

So that is why you are holding it up. Guess what, the only thing that is holding it up is the preposterous decision by a Federal judge, which you went and handpicked—you went shopping: Let's get a judge that is going to agree with us ahead of time, and then let's declare it a victory.

Well, that decision is being appealed. If I were your side of the aisle, I would just declare victory and say, Okay, we have a judicial process that is going on, it is going to be dealt with in the courtroom, and, in the meantime, we are going to protect the American people—because, in the end, when this is all said and done, if you shut down DHS, you do not stop the processing of the documentation for undocumented workers and for DREAMers. You don't stop it.

Why? Because not a cent of DHS funding comes from here. Do you know

where it comes from? From the application fee that they pay. So there will be money to pay those workers within the context, but you are not going to pay a Coast Guard member?

Mr. POLIS. Reclaiming my time, I think what you are saying is if the Republicans shut down the Department of Homeland Security, the only thing the Department will be able to do is to process the paperwork for undocumented immigrants, and they won't be able to fulfill their functions keeping our Nation safe.

I yield to the gentleman from Illinois.

Mr. GUTIÉRREZ. Absolutely. In other words, we are going to put at risk the safety of our Nation while, at the same time, the 5 million that they call “illegal” are getting legalized because—how is it that you finance that? Through their contributions and the money that they have to spend in the application fee.

So you don't reach the purpose. You have put in jeopardy the safety of our Nation in order to punish a group of people you can't punish. You can't punish them because they are paying for it.

American citizens, while you are waiting for your visa, while you are waiting for your citizenship application, while you are waiting for that, guess what, the Republicans have decided you need to wait while the 5 million that the President said he wants to legalize continue to get processed.

It is absurd what is going on here. We are putting at jeopardy the American people. You don't think the Border Patrol is an essential protection to the Nation? I don't know how you can say that on that side of the aisle because every other word is: Secure the border, secure the border, secure the border.

But when it comes to securing the border, you say: Let's not fund it. We are not going to fund securing the border today. We are simply going to let it lapse and say to those Border Patrol agents, Do you know what? Why don't you show up and secure the border, but we are not going to give you enough money to pay your mortgage, we are not going to give you enough money in order to pay your groceries or pay your heating bill. We are not going to pay you for securing the border because we think we need to punish President Obama and all of those who would think that we might need to reprioritize how it is.

Lastly, I want to say to the gentleman from Colorado, in the end—in the end—there are 5 million American citizens—children—who are going to remember this day, 5 million American citizen children who are going to remember this.

Do you know how they are going to remember it? They are going to remember their moms and their dads who were undocumented—these Americans, 5 million of them—and eventually, they are going to reach 18 years of age, and they are going to vote.

When they go vote, do you know what they are going to remember with their first vote? Who treated their parents so cruelly and so miserably.

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

Ms. FOXX. Mr. Speaker, I claim the time in opposition to the point of order and in favor of consideration of the resolution.

The SPEAKER pro tempore. The gentlewoman from North Carolina is recognized for 10 minutes.

Ms. FOXX. Mr. Speaker, I like my colleagues on the other side of the aisle, but saying that we are politicizing some issues is a little bit just stretching the issue, it seems to me.

The question before the House is: Should the House now consider H. Res. 125? This has nothing to do with UMRA. CBO estimates that H.R. 5 contains no intergovernmental or private sector mandates as defined in the Unfunded Mandates Reform Act, or UMRA. This is a dilatory tactic and, I might add, a bit of a political tactic, which is what we are accused of.

As the gentleman from Colorado is aware, we are currently waiting on a bill from the Senate. We currently have a rule before us that provides for consideration of over 40 amendments, including two from the gentleman from Colorado, to an important education bill. There is no reason to prevent consideration of this rule while we wait for the Senate to do its work.

In order to allow the House to continue its scheduled business for the day, I urge Members to vote “yes” on the question of consideration of the resolution.

I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

The question is, Will the House now consider the resolution?

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 15-minute vote.

The vote was taken by electronic device, and there were—yeas 224, nays 167, not voting 41, as follows:

[Roll No. 91]

YEAS—224

Abraham	Buchanan	Curbelo (FL)
Aderholt	Buck	Davis, Rodney
Allen	Bucshon	Denham
Amash	Burgess	Dent
Amodei	Byrne	DeSantis
Babin	Calvert	DesJarlais
Barletta	Carter (GA)	Diaz-Balart
Barr	Carter (TX)	Dold
Barton	Chabot	Duffy
Benishek	Clawson (FL)	Duncan (SC)
Bilirakis	Coffman	Duncan (TN)
Bishop (MI)	Cole	Ellmers (NC)
Black	Collins (GA)	Emmer (MN)
Bost	Collins (NY)	Farenthold
Boustany	Comstock	Fincher
Brady (TX)	Conaway	Fitzpatrick
Brat	Cook	Fleischmann
Bridenstine	Costello (PA)	Fleming
Brooks (AL)	Crawford	Flores
Brooks (IN)	Culberson	Forbes

Foxx	Love	Rooney (FL)
Franks (AZ)	Lucas	Ros-Lehtinen
Frelinghuysen	Lummis	Ross
Gibbs	MacArthur	Rouzer
Gibson	Marchant	Royce
Gohmert	Marino	Russell
Goodlatte	Massie	Ryan (WI)
Gosar	McCarthy	Salmon
Govdy	McCaull	Sanford
Granger	McClintock	Scalise
Graves (GA)	McHenry	Schock
Graves (LA)	McKinley	Schweikert
Graves (MO)	McMorris	Scott, Austin
Griffith	Rodgers	Sensenbrenner
Grothman	McSally	Sessions
Guinta	Meehan	Shimkus
Guthrie	Meng	Shuster
Hanna	Messer	Simpson
Hardy	Mica	Smith (MO)
Harper	Miller (FL)	Smith (NE)
Harris	Miller (MI)	Smith (NJ)
Hartzler	Moolenaar	Smith (TX)
Heck (NV)	Mooney (WV)	Stefanik
Hensarling	Mullin	Stewart
Herrera Beutler	Mulvaney	Stivers
Hice, Jody B.	Murphy (PA)	Stutzman
Hill	Neugebauer	Thompson (PA)
Holding	Newhouse	Thornberry
Huelskamp	Noem	Tiberi
Huizenga (MI)	Nugent	Tipton
Hultgren	Nunes	Trott
Hunter	Olson	Turner
Hurd (TX)	Palazzo	Upton
Issa	Palmer	Valadao
Jenkins (KS)	Paulsen	Wagner
Jenkins (WV)	Pearce	Walden
Johnson (OH)	Pittenger	Walker
Johnson, Sam	Pitts	Walorski
Jolly	Poe (TX)	Walters, Mimi
Jones	Poliquin	Weber (TX)
Jordan	Pompeo	Webster (FL)
Joyce	Posey	Wenstrup
Katko	Price, Tom	Westerman
King (IA)	Ratchliffe	Westmoreland
King (NY)	Reed	Whitfield
Kinzinger (IL)	Reichert	Williams
Kline	Renacci	Wilson (SC)
Knight	Ribble	Wittman
Labrador	Rice (SC)	Womack
LaMalfa	Rigell	Woodall
Lamborn	Roby	Yoder
Lance	Rogers (AL)	Yoho
Latta	Rogers (KY)	Young (AK)
LoBiondo	Rohrabacher	Young (IA)
Loudermilk	Rokita	Zeldin

NAYS—167

Adams	DeGette	Kirkpatrick
Aguilar	Delaney	Kuster
Bass	DelBene	Langevin
Becerra	DeSaulnier	Larsen (WA)
Bera	Deutch	Lawrence
Beyer	Dingell	Levin
Bishop (GA)	Doyle, Michael	Lewis
Blumenauer	F.	Lieu, Ted
Bonamici	Duckworth	Lipinski
Boyle, Brendan	Edwards	Loebsock
F.	Engel	Lofgren
Brady (PA)	Eshoo	Lowenthal
Brown (FL)	Esty	Lowe
Brownley (CA)	Farr	Lujan Grisham
Bustos	Fattah	(NM)
Butterfield	Frankel (FL)	Luján, Ben Ray
Capps	Fudge	(NM)
Capuano	Gabbard	Lynch
Carney	Galleo	Maloney,
Carson (IN)	Garamendi	Carolyn
Cartwright	Graham	Matsui
Castor (FL)	Green, Al	McCollum
Castro (TX)	Green, Gene	McDermott
Chu, Judy	Grijalva	McGovern
Cicilline	Gutiérrez	Meeks
Clark (MA)	Hahn	Moore
Clarke (NY)	Hastings	Moulton
Clay	Heck (WA)	Murphy (FL)
Cleaver	Higgins	Nadler
Clyburn	Honda	Napolitano
Cohen	Hoyer	Neal
Connolly	Huffman	Nolan
Conyers	Israel	Norcross
Cooper	Jeffries	O'Rourke
Costa	Johnson, E. B.	Pallone
Courtney	Kaptur	Pascrell
Crowley	Keating	Payne
Cuellar	Kelly (IL)	Pelosi
Cummings	Kennedy	Perlmutter
Davis (CA)	Kildee	Peters
Davis, Danny	Kilmer	Pingree
DeFazio	Kind	Pocan

Polis	Schiff	Tonko
Price (NC)	Schrader	Torres
Quigley	Scott (VA)	Tsongas
Rangel	Scott, David	Van Hollen
Rice (NY)	Serrano	Vargas
Richmond	Sherman	Veasey
Roybal-Allard	Sinema	Vela
Ruiz	Sires	Velázquez
Ruppersberger	Slaughter	Visclosky
Rush	Smith (WA)	Walz
Ryan (OH)	Swalwell (CA)	Wasserman
Sánchez, Linda	Takai	Schultz
T.	Takano	Watson Coleman
Sanchez, Loretta	Thompson (CA)	Welch
Sarbanes	Thompson (MS)	Wilson (FL)
Schakowsky	Titus	Yarmuth

NOT VOTING—41

Ashford	Garrett	McNerney
Beatty	Grayson	Meadows
Bishop (UT)	Himes	Perry
Blackburn	Hinojosa	Peterson
Blum	Hudson	Roe (TN)
Cardenas	Hurt (VA)	Roskam
Chaffetz	Jackson Lee	Rothfus
Cramer	Johnson (GA)	Sewell (AL)
Crenshaw	Kelly (PA)	Speier
DeLauro	Larson (CT)	Walberg
Doggett	Lee	Waters, Maxine
Ellison	Long	Young (IN)
Fortenberry	Luetkemeyer	Zinke
Foster	Maloney, Sean	

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Mr. VELA changed his vote from “yea” to “nay.”

Messrs. BURGESS, ROKITA, and NUGENT changed their vote from “nay” to “yea.”

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. YOUNG of Indiana. Mr. Speaker, on rollcall No. 91 I was unavoidably detained. Had I been present, I would have voted “aye.”

Mr. PERRY. Mr. Speaker, on rollcall No. 91 I was unavoidably detained. Had I been present, I would have voted “aye.”

Mr. ROTHFUS. Mr. Speaker, on rollcall No. 91 I was unavoidably detained. Had I been present, I would have voted “yes.”

Mr. KELLY of Pennsylvania. Mr. Speaker, on rollcall No. 91 I was unavoidably detained. Had I been present, I would have voted “yes.”

Mr. HUDSON. Mr. Speaker, on rollcall No. 91 I was unavoidably detained. Had I been present, I would have voted “yes.”

Mr. HURT of Virginia. Mr. Speaker, I was not present for rollcall vote No. 91, a recorded vote on the question of consideration of H. Res. 125—the rule providing for further consideration of H.R. 5—Student Success Act (unfunded mandates point of order). Had I been present, I would have voted “yea.”

Mrs. BEATTY. Mr. Speaker, unfortunately on February 26, 2015, I missed rollcall vote No. 91, On Question of Consideration of the Resolution, because I was in a meeting with Administration officials on behalf of my constituents. Had I been present, I would have voted “nay.”

Mr. HIMES. Mr. Speaker, on February 26, 2015, I was unable to be present for rollcall vote 91, On Question of Consideration of the Resolution, H. Res. 125. Had I been present, I would have voted “nay.” I respectfully request that this be noted in today’s CONGRESSIONAL RECORD.

Mr. LARSON of Connecticut. Mr. Speaker, on February 26, 2015—I was not present for rollcall vote 91. If I had been present for this vote, I would have voted: “nay.”

Mr. FOSTER. Mr. Speaker, on February 26th, I missed one recorded vote. I would like to indicate how I would have voted had I been present. On rollcall No. 91, I would have voted “no.”

Ms. DELAURO. Mr. Speaker, I was unavoidably detained and so I missed rollcall vote No. 91 regarding the “On Question of Consideration of the Resolution” (Providing for further consideration of H.R. 5, the Student Success Act, H. Res 125). Had I been present, I would have voted “no.”

The SPEAKER pro tempore (Mr. COLLINS of New York). The gentlewoman from North Carolina is recognized for 1 hour.

Ms. FOXX. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Colorado (Mr. POLIS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Ms. FOXX. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

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

There was no objection.

Ms. FOXX. Mr. Speaker, House Resolution 125 provides for a structured rule providing for the consideration of a number of amendments to H.R. 5, the Student Success Act.

My colleagues on the House Education and the Workforce Committee and I have been working to reauthorize the Elementary and Secondary Education Act. Our efforts in reauthorization have centered on four principles: reducing the Federal footprint in education, empowering parents, supporting effective teachers, and restoring local control.

H.R. 5, the Student Success Act, ensures that local communities have the flexibility needed to meet the needs of their students. This legislation reauthorizes the Elementary and Secondary Education Act, also known as ESEA, for 5 years while making commonsense changes to update the law and address some of the concerns raised following the last reauthorization.

Despite good intentions, there is widespread agreement that the current law is no longer effectively serving students. Instead of working with Congress to reauthorize ESEA, the Obama administration began offering States temporary waivers in 2011 to exempt them from onerous requirements in exchange for new Federal mandates from the Department of Education. These waivers are a short-term fix to a long-term problem and leave States and districts with uncertainty about whether they will again be subject to the failing law and if the administration will change the requirements necessary to receive a waiver.

It is time to give students, parents, teachers, and school districts the certainty to make decisions and the flexibility to make the best decisions for

their communities. H.R. 5 is a step in the right direction and will provide this certainty and flexibility.

Since Republicans returned to the majority in the House in 2011, we have held 20 hearings on the reauthorization of the Elementary and Secondary Education Act. The committee considered five reauthorization bills in four mark-ups in the 112th Congress in addition to a markup and a favorable reporting of H.R. 5 in 2013 and again this month.

I am pleased to work with my colleagues on the Rules Committee to report rules for floor debate and the consideration of legislation that promotes transparency and participation. In this case, I think we will have a terrific opportunity to further improve the bill through the amendment process. Forty-four amendments are made in order by this rule, including over 20 Democratic amendments and nine bipartisan amendments. The House will have the opportunity to work its will. I urge my colleagues to support this rule and the underlying bill.

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

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

If Congress doesn't act, the Department of Homeland Security will shut down in 2 days. Republicans are playing a very dangerous game with our Nation's security. Today, I am giving the House a fourth chance to have a straight up or down vote on a clean DHS funding bill.

If we defeat the previous question, I will offer an amendment to the rule to bring up H.R. 861, which will fund the Department of Homeland Security through the end of fiscal year 2015 without any poison pill provisions. We need to put an end to this stalemate and take immediate action to keep our country safe.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD, along with extraneous material, immediately prior to the vote on the previous question.

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

There was no objection.

Mr. POLIS. Mr. Speaker, I yield to the gentleman from California (Mr. AGUILAR) for the purpose of a unanimous consent request.

Mr. AGUILAR. Mr. Speaker, I ask unanimous consent that the House bring up H.R. 861, the clean Department of Homeland Security funding bill that would keep the Department open so that it can carry out its mission of keeping the American people safe.

The SPEAKER pro tempore. The Chair would advise that all time has been yielded for the purpose of debate only.

Does the gentlewoman from North Carolina yield for the purpose of this unanimous consent request?

Ms. FOXX. I do not.

The SPEAKER pro tempore. The gentlewoman from North Carolina does

not yield. Therefore, the unanimous consent request cannot be entertained.

Mr. POLIS. Mr. Speaker, I yield to the gentlewoman from California (Mrs. TORRES) for the purpose of a unanimous consent request.

Mrs. TORRES. Mr. Speaker, I ask unanimous consent that the House bring up H.R. 861, the clean Department of Homeland Security funding bill that would keep the Department open so that it can carry out its mission of keeping the American people safe.

The SPEAKER pro tempore. Does the gentlewoman from North Carolina yield for the purpose of this unanimous consent request?

Ms. FOXX. I do not.

The SPEAKER pro tempore. The gentlewoman from North Carolina does not yield. Therefore, the unanimous consent request cannot be entertained.

Mr. POLIS. Mr. Speaker, I yield to the gentlewoman from California (Ms. ROYBAL-ALLARD) for the purpose of a unanimous consent request.

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Ms. ROYBAL-ALLARD. Mr. Speaker, I, too, ask unanimous consent that the House bring up H.R. 861, the clean Department of Homeland Security funding bill that would keep the Department open so it can carry out its mission of keeping the American people safe.

The SPEAKER pro tempore. Does the gentlewoman from North Carolina yield for the purpose of this unanimous consent request?

Ms. FOXX. I do not yield.

The SPEAKER pro tempore. The gentlewoman from North Carolina does not yield. Therefore, the unanimous consent request cannot be entertained.

Ms. FOXX. Mr. Speaker, I would like to reiterate my earlier statement that all time yielded is for the purpose of debate only. I do not yield for any other purpose and will not yield for any other purpose.

Mr. POLIS. Mr. Speaker, I yield to the gentlewoman from California (Mrs. CAPPs) for the purpose of a unanimous consent request.

Mrs. CAPPs. Mr. Speaker, I thank my colleague for yielding, and I ask unanimous consent that the House bring up H.R. 681, the clean Department of Homeland Security funding bill that would keep the Department open so it can carry out its mission of keeping the American people safe.

The SPEAKER pro tempore. The Chair understands that the gentlewoman from North Carolina has not yielded for that purpose. Therefore, the unanimous consent request cannot be entertained.

Mr. POLIS. Mr. Speaker, I yield to the gentlewoman from Florida (Ms. FRANKEL) for the purpose of a unanimous consent request.

Ms. FRANKEL of Florida. Mr. Speaker, I ask unanimous consent that the House bring up H.R. 861, the clean Department of Homeland Security fund-

ing bill that would keep the Department open so it can carry out its mission of keeping the American people safe.

The SPEAKER pro tempore. The Chair understands that the gentlewoman from North Carolina has not yielded for that purpose. Therefore, the unanimous consent request cannot be entertained.

Mr. POLIS. Mr. Speaker, with barely 24 hours remaining, I yield to the gentleman from Colorado (Mr. PERLMUTTER) for the purpose of a unanimous consent request.

Mr. PERLMUTTER. Mr. Speaker, I ask unanimous consent that the House bring up H.R. 861, the clean Department of Homeland Security funding bill that would keep the Department open so it can carry out its mission of keeping Americans safe.

The SPEAKER pro tempore. The Chair understands that the gentlewoman from North Carolina has not yielded for that purpose. Therefore, the unanimous consent request cannot be entertained.

Mr. POLIS. Mr. Speaker, with barely 24 hours left before the expiration of funding for the Department of Homeland Security, I yield to my colleague from Michigan (Mr. KILDEE) for a very important unanimous consent request.

Mr. KILDEE. Mr. Speaker, I ask unanimous consent that the House bring up H.R. 861, the clean Department of Homeland Security funding bill that would keep the Department open so it can carry out its mission of keeping the American people safe.

The SPEAKER pro tempore. The Chair understands that the gentlewoman from North Carolina has not yielded for that purpose. Therefore, the unanimous consent request cannot be entertained.

Mr. POLIS. Mr. Speaker, I yield to the gentleman from Texas (Mr. AL GREEN) for the purpose of a unanimous consent request.

Mr. AL GREEN of Texas. Mr. Speaker, I ask unanimous consent that the House bring up H.R. 861, the clean Department of Homeland Security funding bill that will keep the Department open so that it can carry out its mission of keeping the American people safe.

The SPEAKER pro tempore. As previously announced, the unanimous consent request cannot be entertained.

Mr. POLIS. Mr. Speaker, I yield to the gentlewoman from New York (Mrs. CAROLYN B. MALONEY) for the purpose of a unanimous consent request.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I ask unanimous consent that the House bring up H.R. 861, a clean Department of Homeland Security funding bill that will keep the Department open so that it is able to protect the American people.

The SPEAKER pro tempore. As previously announced, the unanimous consent request cannot be entertained.

Mr. POLIS. Mr. Speaker, with barely more than 24 hours remaining before

the shutdown of the Department of Homeland Security, I yield to my colleague from New York (Mr. TONKO) for the purpose of a very important unanimous consent request.

Mr. TONKO. Mr. Speaker, I ask unanimous consent that the House bring up H.R. 861, the clean Department of Homeland Security funding bill that would keep the Department open so that it can carry out its mission of keeping the American people safe.

The SPEAKER pro tempore. As previously announced, the unanimous consent request cannot be entertained.

Mr. POLIS. Mr. Speaker, I yield to the gentlewoman from Florida (Ms. CASTOR) for the purpose of a unanimous consent request.

Ms. CASTOR of Florida. Mr. Speaker, I ask unanimous consent that the House bring up H.R. 861, the clean Department of Homeland Security funding bill that would keep the Department open so it can carry out its mission of keeping the American people safe.

The SPEAKER pro tempore. As previously announced, the unanimous consent request cannot be entertained.

Mr. POLIS. Mr. Speaker, my colleague from California (Ms. JUDY CHU) has a solution to the funding impasse at DHS, and I yield to her for the purpose of a unanimous consent request.

Ms. JUDY CHU of California. Mr. Speaker, I ask unanimous consent that the House bring up H.R. 861, the clean Department of Homeland Security funding bill that would keep the Department open so it can carry out the mission of keeping the American people safe.

The SPEAKER pro tempore. As previously announced, the unanimous consent request cannot be entertained.

Mr. POLIS. Mr. Speaker, I yield to the gentlewoman from Michigan (Mrs. DINGELL) for the purpose of a unanimous consent request.

Mrs. DINGELL. Mr. Speaker, I ask unanimous consent that the House bring up H.R. 861, the clean Department of Homeland Security funding bill that would keep the Department open so it can carry out its mission of keeping Americans safe.

The SPEAKER pro tempore. As previously announced, the unanimous consent request cannot be entertained.

Mr. POLIS. Mr. Speaker, I yield to the gentlewoman from Ohio (Ms. KAPTUR), who is an appropriator herself, for the purpose of a unanimous consent request.

Ms. KAPTUR. Mr. Speaker, I ask unanimous consent that the House bring up H.R. 861. Let's protect the American people. The clean Department of Homeland Security funding bill should be brought before the House so we can keep it open and carry out its mission of keeping the American people safe.

The SPEAKER pro tempore. As previously announced, the unanimous consent request cannot be entertained.

Mr. POLIS. Mr. Speaker, I yield to the gentlewoman from Massachusetts

(Ms. CLARK) for the purpose of a unanimous consent request.

Ms. CLARK of Massachusetts. Mr. Speaker, I ask unanimous consent that the House bring up H.R. 861, the clean Department of Homeland Security funding bill that would keep the Department open so it can carry out its mission of keeping the American people safe and administering disaster relief.

The SPEAKER pro tempore. As previously announced, the unanimous consent request cannot be entertained.

Mr. POLIS. Mr. Speaker, I yield to the gentlewoman from Ohio (Mrs. BEATTY), who has a solution to the funding impasse at DHS, for the purpose of a unanimous consent request.

Mrs. BEATTY. Mr. Speaker, I ask unanimous consent that the House bring up H.R. 861, the clean Department of Homeland Security funding bill that would keep the Department open so it can carry out not only its mission, but it can also keep the American people safe.

The SPEAKER pro tempore. As previously announced, the unanimous consent request cannot be entertained.

Mr. POLIS. Mr. Speaker, with barely more than 24 hours left before the closure of the Department of Homeland Security, I yield to the gentlewoman from Oregon (Ms. BONAMICI) for the purpose of a unanimous consent request.

Ms. BONAMICI. Mr. Speaker, I ask unanimous consent that the House bring up H.R. 861, the clean Department of Homeland Security funding bill that would keep the Department open so it can carry out its mission of keeping the American people safe.

The SPEAKER pro tempore. As previously announced, the unanimous consent request cannot be entertained.

Mr. POLIS. Mr. Speaker, I yield to the gentleman from California (Mr. HUFFMAN) for the purpose of a unanimous consent request.

Mr. HUFFMAN. Mr. Speaker, I ask unanimous consent that the House bring up H.R. 861, a clean Department of Homeland Security funding bill that would keep the Department open so it can carry out its important mission of keeping the American people safe.

The SPEAKER pro tempore. As previously announced, the unanimous consent request cannot be entertained.

Mr. POLIS. Mr. Speaker, I yield to the gentleman from California (Mr. TED LIEU), who has a solution to the funding impasse at the Department of Homeland Security, for the purpose of a unanimous consent request.

Mr. TED LIEU of California. Mr. Speaker, I ask unanimous consent that the House bring up H.R. 861, the clean Department of Homeland Security funding bill that would keep the Department open so it can carry out its critical mission of keeping the American people safe.

The SPEAKER pro tempore. As previously announced, the unanimous consent request cannot be entertained.

Mr. POLIS. Mr. Speaker, I yield to the gentlewoman from Texas (Ms. JACKSON LEE) for the purpose of a unanimous consent request.

Ms. JACKSON LEE. Mr. Speaker, I am pleading and asking unanimous consent that the House bring up H.R. 861, the clean Department of Homeland Security funding bill that, in this climate of terrorism, would keep the Department open so that it can carry out its mission of keeping the American people safe.

The SPEAKER pro tempore. As previously announced, the unanimous consent request cannot be entertained.

Mr. POLIS. Mr. Speaker, with just over 24 hours remaining before the Department of Homeland Security shuts down, I yield to the gentlewoman from Illinois (Ms. SCHAKOWSKY), who has a solution to this impasse.

Ms. SCHAKOWSKY. Mr. Speaker, I ask unanimous consent that the House bring up H.R. 861, the clean Department of Homeland Security funding bill that would keep the Department open so it can carry out its mission of keeping the American people safe.

The SPEAKER pro tempore. As previously announced, the unanimous consent request cannot be entertained.

Mr. POLIS. Mr. Speaker, I yield to the gentleman from Illinois (Mr. DANNY K. DAVIS) for the purpose of a unanimous consent request.

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that the House bring up H.R. 861, the clean Department of Homeland Security funding bill that would keep the Department open so it can carry out its mission of keeping the American people safe.

The SPEAKER pro tempore. As previously announced, the unanimous consent request cannot be entertained.

Mr. POLIS. Mr. Speaker, I yield to the gentlewoman from California (Mrs. DAVIS) for the purpose of a unanimous consent request.

Mrs. DAVIS of California. Mr. Speaker, I ask unanimous consent that the House bring up H.R. 861, the clean Department of Homeland Security funding bill that would keep the Department open so it can carry out the mission of keeping the American people safe.

The SPEAKER pro tempore. As previously announced, the unanimous consent request cannot be entertained.

Mr. POLIS. Mr. Speaker, with just over 24 hours remaining before the Department of Homeland Security shuts down, I yield to the gentlewoman from New York (Ms. CLARKE) for a unanimous consent request to address this funding impasse.

Ms. CLARKE of New York. I thank the gentleman from Colorado for yielding.

Mr. Speaker, I ask unanimous consent that the House bring up H.R. 861, the clean Department of Homeland Security funding bill that would keep the Department open so it can carry out its mission of keeping the American people safe.

The SPEAKER pro tempore. As previously announced, the unanimous consent request cannot be entertained.

Mr. POLIS. Mr. Speaker, the territories are also affected by a lapse in Homeland Security. Fortunately, Ms. PLASKETT is here with a solution. I yield to the gentlewoman from the U.S. Virgin Islands (Ms. PLASKETT) for the purpose of a unanimous consent request.

Ms. PLASKETT. Mr. Speaker, I ask unanimous consent that the House bring up H.R. 861, the clean Department of Homeland Security funding bill that will keep the Department open so it can carry out its critical mission of keeping the American people safe.

The SPEAKER pro tempore. As previously announced, the unanimous consent request cannot be entertained.

Mr. POLIS. Mr. Speaker, I yield to the gentleman from Georgia (Mr. LEWIS) for the purpose of a unanimous consent request.

Mr. LEWIS. Mr. Speaker, I ask unanimous consent that the House bring up H.R. 861, the clean Department of Homeland Security funding bill that will keep the Department open so it can carry out its mission of keeping the American people safe.

The SPEAKER pro tempore. As previously announced, the unanimous consent request cannot be entertained.

Mr. POLIS. Mr. Speaker, in just over 24 hours the Department of Homeland Security will run out of funding. Fortunately, I have a colleague who has a solution to this impasse. I yield to the gentlewoman from Florida (Ms. BROWN) for the purpose of a unanimous consent request.

Ms. BROWN of Florida. Mr. Speaker, House of Representatives, I ask unanimous consent that the House bring up H.R. 861, the clean Department of Homeland Security funding bill that would keep the Department open and carry out its mission—and the number one mission of the United States Congress is to protect the American people.

The SPEAKER pro tempore. As previously announced, the unanimous consent request cannot be entertained.

Mr. POLIS. Mr. Speaker, I yield to the gentleman from Rhode Island (Mr. LANGEVIN) for the purpose of a unanimous consent request.

Mr. LANGEVIN. I thank the gentleman for yielding.

Mr. Speaker, I ask unanimous consent that the House bring up H.R. 861, the clean Department of Homeland Security funding bill that would keep the Department open so that it can carry out its mission of keeping the American people safe.

The SPEAKER pro tempore. As previously announced, the unanimous consent request cannot be entertained.

Mr. POLIS. Mr. Speaker, with barely more than 24 hours remaining before the Department of Homeland Security shuts down, my colleague has an idea that he would like to propose to ad-

dress that. I yield to the gentleman from California (Mr. CÁRDENAS) for the purpose of a unanimous consent request.

Mr. CÁRDENAS. Mr. Speaker, I ask unanimous consent that the House bring up H.R. 861, the clean Department of Homeland Security funding bill that would keep the Department open so it can carry out its mission of keeping the American people safe.

The SPEAKER pro tempore. As previously announced, the unanimous consent request cannot be entertained.

Mr. POLIS. Mr. Speaker, a lot of my colleagues have made unanimous consent requests. I, too, would like to make a unanimous consent request, and I yield to myself for that purpose.

I ask unanimous consent that the House bring up H.R. 861, the clean Department of Homeland Security funding bill that would ensure that Border Patrol agents, TSA screeners, Coast Guard members, and Secret Service agents would continue to be paid for protecting the American people.

The SPEAKER pro tempore. As previously announced, the unanimous consent request cannot be entertained.

□ 1345

PARLIAMENTARY INQUIRIES

Mr. POLIS. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. POLIS. How many cosponsors does H.R. 861, the Department of Homeland Security funding bill, currently have?

The SPEAKER pro tempore. The gentleman may consult the records of the House for that information.

Mr. POLIS. Mr. Speaker, upon further parliamentary inquiry, how many of H.R. 861's cosponsors are Republican?

The SPEAKER pro tempore. The gentleman may consult the records of the House for that information.

Mr. POLIS. The records of the House that I have indicate that there are 192 Members of the House that are cosponsors of funding the Department of Homeland Security, and my records further indicate that zero are Republican.

Point of parliamentary inquiry, do your records agree with mine?

The SPEAKER pro tempore. The Chair does not have that information.

Mr. POLIS. Mr. Speaker, further parliamentary inquiry. Since we are 2 days away from the Department of Homeland Security shutting down, compromising the ability of the Border Patrol, the TSA, and the Coast Guard, who does have the authority to call up H.R. 861, the Department of Homeland Security funding bill?

The SPEAKER pro tempore. The Chair will not issue an advisory opinion.

Mr. POLIS. Well, Mr. Speaker, we have seen a number of colleagues try to bring it up. I have tried to bring it up.

I hope that the Chair will advise whoever has the ability to bring it up to bring it up.

The SPEAKER pro tempore. Does the gentleman yield to himself for debate?

Mr. POLIS. I yield to myself for the purpose of a unanimous consent request.

I ask unanimous consent to amend H.R. 125 to include language allowing for the House to debate and have an up-or-down vote on H.R. 861, the Homeland Security funding bill.

The SPEAKER pro tempore. Does the gentlewoman from North Carolina yield for the purpose of this unanimous consent request?

Ms. FOXX. I do not.

The SPEAKER pro tempore. The gentlewoman from North Carolina does not yield. Therefore, the unanimous consent request cannot be entertained.

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

Well, it looks like we are going to talk about education. Now, that is a very important topic. I agree with my colleague, Dr. Foxx, and I am glad that none of the time that we have been trying to fund the Department of Homeland Security has in any way detracted from this important debate.

I think the point that has been made is that here we are, barely more than 24 hours from compromising the security of our country. Yes, of course, the education debate is critical; but couldn't we take a moment to approve one of those unanimous consent requests?

Probably in the time it took to hold them all, we probably could have had a vote on the bill which would have passed and actually prevented a shutdown of the Department of Homeland Security.

Again, we are here to talk about the rule under which H.R. 5, the bill that reauthorizes ESEA, will be considered under. Now, this effort and this bill—and ESEA is very near and dear to my heart and my career experience.

Throughout my career, Mr. Speaker, I have had the opportunity and been blessed to have been involved with education policy and on the ground in a number of different ways and levels.

I served as chairman of the Colorado State Board of Education. I launched a network of public charter schools for English language learners. I cofounded a charter school for homeless youth and youth in transitional housing.

I have sat for several years on the House Education and Workforce Committee. My district is home to Colorado's two flagship universities, CU Boulder and CSU in Fort Collins. On a more personal level, my son C.J. is approaching the age where he is going to begin school this fall.

What I am saying, Mr. Speaker, is that, throughout my career, education has always been my top priority because I have personally seen the difference that it can make in people's lives, from early childhood education and quality preschool and kindergarten, all the way through adult education programs to help make sure

that adults have the ability to have good jobs in a changing workforce.

Almost every day, one of my constituents contacts my office about education. Just last week, I met with several principals to talk about the need for good, professional development in schools.

Last week, I heard from a parent that is concerned about the culture of overtesting in her son's school. Just yesterday, a constituent of mine told me about her own upbringing and success in Colorado schools.

Today, we are considering H.R. 5, the Student Success Act. This bill would reauthorize the Elementary and Secondary Education—by the way, Mr. Speaker, if you can't handle the gavel, I will be happy to take it myself.

Put more simply, this bill is about the Federal role in education policy. Now, there are a lot of problems with No Child Left Behind. I think that is something we hear from our colleagues on both sides of the aisle, something that all of us have heard in our constituencies, from families, from teachers, from School board members, pent-up frustrations at the lack of change in almost 15 years of a policy that had several failings that we knew about right away—whether it is the flawed and superficial mechanism of AYP, or Adequate Yearly Progress, whether it is the frustrating paperwork and bureaucracy that it puts sometimes ahead of education.

This is a very important piece of legislation, and it should be treated seriously. Unfortunately, this House hasn't held a single hearing on education before moving forward with this bill. The Chamber and the committee haven't held any hearings on this important legislation. When asked, the chairman, Chairman KLINE, said that: Well, the committee held hearings before in several other years.

But this is a different Congress. There are new Members. Our own committee has new members who have never gotten to witness a single hearing on education before moving through with an incredibly important piece of legislation.

I will be part of this debate in the coming hours if this rule passes regarding the amendments around this bill, the content of the bill itself. As my north star, what I look for in a successful reauthorization of ESEA and replacing No Child Left Behind with the Federal education law that makes sense is really threefold.

Number one, we must get accountability right; number two, we must expand and replicate what works in public education; and, number 3, we must change what doesn't work in public education.

Let's talk about getting accountability right. Unfortunately, this bill falls short in this regard. It has an enormous loophole that threatens to drive underground and remove the accountability for kids with disabilities.

That is why this bill is opposed by a number of groups that represent chil-

dren with disabilities, special education teachers, and all those who are concerned about how the 12 or 13 percent of children in our schools that receive special education services succeed.

What mechanism is that loophole? Well, here is what it is. There is a number in ESEA, No Child Left Behind, 1 percent. That is a cap on the number of kids that are allowed to be given an alternative assessment.

Now, clearly, there will be some kids that can't have an ordinary assessment, some of the most severe-needs special education kids. It doesn't even matter that much what that number is, as long as it is reasonable, whether it is half a percent or 1½ percent, whether it is three-quarters of a percent or even 2 percent. What is important is that it is uniform and it reasonably approaches the kids that are unable to take the test.

What this bill does is it removes that cap altogether. It says States can administer alternative assessments that are not included in the mainstream accountability program to whomever they want—meaning a State that might not be teaching or serving kids with special needs could simply say: All kids receiving special education services and IDA services, all 12 percent of our district or our State, will take this other assessment that will not be incorporated in the mainstream accountability.

That is what the special-needs community fears, and it is a very reasonable fear because, look, we are elected officials, Mr. Speaker. I think some of our friends and perhaps people who are not our friends have become Governors of other States. Former Members of this body have become Governors.

Guess what, Governors aren't too different than people in this body. They like to look good. They like to look like they are successful. They don't want to create a dataset that shows that they are failing kids.

It is much easier to dumb down the standards and exempt children from the testing, and that is the second part of accountability that this bill gets wrong. It allows for a dumbing down of the standards.

One of the great steps that No Child Left Behind and the President built upon with his Race to the Top initiative is that States need to have college and career-ready standards.

There is a mechanism in place to make sure that those standards are certified by institutions of higher education within a State, meaning that if you graduate a high school with a diploma, you ought to have the academic skills needed to succeed in college. If not, what does a high school diploma even mean?

Unfortunately, what this bill does is it takes out that backstop of college and career-ready standards, as certified by the public institutions of higher education in the State, allowing another glaring loophole for States to de-

fine success downward to make themselves look better.

Now, let's talk about replicating and expanding what works. On that account, this bill does somewhat better. Now, I wish it included our innovations in education amendment which we offered in committee and, again, on the floor that, unfortunately, was not allowed. It is a very highly leveraged way to invest in high-promise programs that work.

It does have some excellent language around replicating and expanding successful public charters schools, as well as several amendments that would strengthen and build upon that language as well.

Finally, with regard to what doesn't work in education and changing it, this bill also falls short. We need to invest in real change in schools that aren't working.

One thing that this bill guts are the teeth behind the turnaround models in turning around our low performing schools. There is no guarantee that these investments would be data driven or that they would work to ensure that some of our most persistently low performing schools would improve and allow children a chance to succeed.

Now that this bill might be coming to the floor, Members should at least have the opportunity to amend and improve the bill.

Now, in our Rules Committee meeting yesterday, I supported an open rule for amendment to H.R. 5. Frankly, there was a lot of bad amendments offered to this bill that were blocked. There were also a lot of good amendments that were blocked.

Now, there were 44 amendments that are allowed to be considered under this bill, and I am grateful that two of the five amendments that I offered will be voted on here today as well, as well as the Democratic substitute that our committee ranking member, Mr. SCOTT, put forward as supported by the Democrats on our committee.

Mr. SCOTT's substitute ensures that the spirit of the ESEA, as Federal civil rights legislation, is maintained and built upon.

One of the amendments that I will be talking about later would encourage charter schools to work closely with public schools to collaborate and share best practices, tying into the second principle of ESEA reauthorization: expand and replicate what works in public education.

Another one of my amendments would allow States to use funds for the creation and distribution of open source textbooks, resulting in significant cost savings for the States. It is simply an allowable use and can save many districts and charter schools money.

In addition, I want to highlight another few amendments that were very important that will be allowed under this bill.

Representative SUSAN DAVIS' amendment would amend the definition of

school leader and ensure that principals are receiving the full amount of professional development as the funds are available to them.

Mr. CASTRO's amendment seeks to improve the college and career readiness of homeless youth.

These are just a few of the amendments from my Democratic colleagues that I look forward to supporting today.

Now, although these amendments were in order, there were also several positive suggestions that would have been improvements to the bill but, unfortunately, won't be coming to the floor under this rule.

For instance, an important amendment by Representative LANGEVIN would have required States to have college and career-ready standards, addressing that glaring loophole in the base Republican bill. Unfortunately, that amendment wasn't brought to the floor.

Another example is a colleague of mine presented an idea which is on the tips of many of our tongues—and, frankly, I would have liked to have seen defeated on the floor of the House, but it wasn't even allowed a vote.

Representative SALMON offered an amendment that would completely eliminate Federal testing. Now, I think it would have been great for this Congress, Democrats and Republicans, to defeat that amendment and make a powerful statement that we believe in accountability.

Yes, we believe that where taxpayer money goes, taxpayers deserve transparency and accountability. Unfortunately, we won't have the opportunity to make that statement.

A number of other amendments that would have improved the bill or would have provided an opportunity for Members of this body to do their work have, unfortunately, been prevented under this rule.

I look forward to discussing the merits of the rule and the merits of the bill. I have a number of colleagues who have joined us on the floor to join us in this discussion as well, and I reserve the balance of my time.

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

I was going to remark on the fact that our colleague from Colorado has given us some levity, but it has been so long since the levity occurred, I am not sure anybody would remember it.

However, I do think it is important to point out that our colleagues on the other side of the aisle continually tell us how our legislation falls short of the ideal that they would like to see.

I would like to remind our colleagues that, for 2 years, the Democrats were in control of the House and the Senate. Two years, they had the House and the Senate and the White House.

If they had been so interested in reauthorizing this legislation and lots of other legislation that they criticize us about, they should have brought that ideal legislation forward at that time and passed it.

□ 1400

I would also like to point out, despite what our colleague says about no hearings on this bill, that since we returned to the majority in the House in 2011, we have held 20 hearings on the reauthorization of the Elementary and Secondary Education Act. The committee considered five reauthorization bills in four markups in the 112th Congress, in addition to a markup and the favorably reporting of H.R. 5 in 2013 and again this month.

With that, Mr. Speaker, I yield 2 minutes to my colleague from Georgia (Mr. ALLEN).

Mr. ALLEN. I thank the gentlewoman from North Carolina for yielding me the time.

Mr. Speaker, we all agree that every child deserves the absolute best education, but that is really not what is at issue for those who oppose the Student Success Act. What is at issue is how that should be accomplished: Is the Federal Government better at ensuring that our children receive the proper education or do we do a better job at the local level?

I will tell you my experience with education. My father served on the Board of Education and then served in the administration of one of the fastest growing school districts in my district. My mother was also a schoolteacher. So I learned a lot about what works in education at the kitchen table every night.

Now, I can tell you this. As far as my experience is concerned, the Federal Government does not know what is best for our schools. In fact, I was in our district last week, and what I learned is that the compliance requirements required by the Federal Government for our teachers is actually not allowing our teachers the time to teach what these young people need to learn.

What we need in our school systems is innovation. That is not driven at the Federal level.

When I was in my district last week, I visited three elementary schools and a couple of high schools. What I learned was, at the local level, real innovation. We saw students that were excited, that wanted to be at school. I would like to tell you about another school. And these schools were in the most impoverished areas of our district.

One is a school there in my district that folks attend because they are told in the public school that they won't make it, that they don't have what it takes to make it in the public school. Let me tell you how innovative this school is, and it does not receive one Federal dollar. The graduates of this school and middle school are recruited to some of the best magnet, charter, and private schools in our area when they finish.

The SPEAKER pro tempore (Mr. DUNCAN of Tennessee). The time of the gentleman has expired.

Ms. FOXX. I yield the gentleman an additional minute.

Mr. ALLEN. Thank you.

Like I said, this school produces through innovation and teaching techniques. It changes the cycle.

What would happen to these children in the public school system under the guidance of the Federal Government for the last 50 years? Aren't they worth saving?

Parents, teachers, and local education leaders need control over education, not the Federal Government. They are best suited to nurture student success in our schools. H.R. 5 does just that. It restores local control.

Mr. POLIS. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. I thank the gentleman for yielding.

Mr. Speaker, 50 years ago, in the Central Texas one-room schoolhouse where he had studied, President Lyndon B. Johnson first signed this Federal aid to education act into law. Through its first title, this law addresses inequality in educational opportunity. Title I has played a vital role in helping schools so that economically disadvantaged students can work their way into the middle class.

Today, the same reactionary forces that first opposed President Johnson want to undermine this important civil rights law. Today's bill is supported by the same ideologues who have opposed the very concept of any Federal aid to education, who in the past disparaged on this floor public schools as being "government schools," and who have even tried to abolish the Department of Education.

Well, this Student Success Act is really a "Student Regress Act" or a "How Little Can We Do in Washington Act."

For San Antonio ISD, for Austin, and for so many other schools, this bill means less Federal support at a time when our schools are asked to do even more.

In States like Texas, where school inequality is severe, the State leadership has demonstrated time and time again that Federal education block grants only lead to blockheaded decisions. "Block grant" is an apt term because it is designed to block access to achieve educational excellence in our public schools.

Without a firm requirement in Federal law that the States cannot use the Federal dollars to just supplant the deficient funding levels they have, a State like Texas can and has simply used Federal education dollars to fill its budget gaps, with irresponsible officials, like Rick Perry, using the money for corporate tax breaks instead of helping our schoolchildren.

So today we look at this bill and we see that, despite extensive research on brain development, on the importance of early, quality education for our youngest Americans, despite bipartisan support across the country, despite the incredible return that it offers on every dollar of public investment, early

childhood education is nowhere to be found. It is missing in action in this bill.

This bill threatens protections for special education. It fails to address the unique challenges of at-risk students. It ignores the needs of students who need to learn English. It ends the requirement of professional development support that encourages innovative teaching.

It is why I say that a grade of F is entirely too high for this piece of legislation. I think a grade of X, Y, or Z might be more appropriate. Reject it until we have a Congress committed to a meaningful Federal role in advancing individual opportunity and ensuring a globally competitive workforce.

Ms. FOXX. I yield myself such time as I may consume.

Mr. Speaker, over the last five decades, the Federal Government's role in elementary and secondary education has increased dramatically. The Department of Education currently runs more than 80—more than 80—K-12 education programs, many of which are duplicative or ineffective.

As a school board member, I saw that the vast reporting requirements for these Federal programs tie the hands of State and local school leaders to make the best education available to their students. Since 1965, Federal education funding has tripled, yet student achievement remains flat. More money clearly is not going to solve the challenges we face in education.

Unfortunately, the Obama administration has refused to work with Congress to address these challenges and has, instead, taken unprecedented action to further expand its authority over America's schools.

Through the President's waivers scheme and pet programs, such as Race to the Top, the Secretary of Education has granted himself complete discretion to use taxpayer dollars to coerce States into enacting the President's preferred education reforms. Adding insult to injury, President Obama continues to push for more Federal education spending, requesting a staggering \$70.7 billion in discretionary funding alone for the Department of Education in his fiscal year 2016 budget.

Our children deserve better. It is time to acknowledge more taxpayer dollars and more Federal intrusion cannot address the challenges facing schools.

H.R. 5, the Student Success Act, will streamline the Nation's education system by eliminating more than 65 duplicative and ineffective Federal education programs, cutting through the bureaucratic red tape that is stifling education in the classroom, and granting States and school districts the authority to use Federal education funds to meet the unique needs of their students.

The bill also requires the Secretary of Education to identify the bureaucrats in Washington who run the pro-

grams which will be eliminated in H.R. 5 and to eliminate their positions, ensuring that the bureaucracy shrinks with the programs.

Additionally, this legislation will take definitive steps to limit the Secretary's authority by prohibiting him or her from coercing States into adopting academic standards like the Common Core. It also halts the executive overreach in the waiver process by prohibiting the Secretary from imposing extraneous conditions on States and local districts in exchange for a waiver.

The Student Success Act protects State and local autonomy over decisions in the classroom by removing the Secretary's authority to add new requirements to Federal programs. H.R. 5 recognizes that local communities know their needs better than any bureaucrat in Washington and empowers States and districts to develop accountability and school improvement systems that align with their local priorities. It also repeals Federal funding requirements that arbitrarily restrict State and local policymakers' ability to set their own budget priorities.

Mr. Speaker, Federal policies should not tie the hands of local educators to make the best decisions for their students and communities. H.R. 5 is a step in that direction, and I urge my colleagues to support the rule and the underlying bill.

I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. KILDEE), a member of the Committee on Financial Services.

Mr. KILDEE. I thank my friend from Colorado for yielding.

Mr. Speaker, unfortunately, the underlying bill eliminates the 21st Century Community Learning Centers that are so critical to providing an outlet, a positive outlet, to young people in communities across this country for all that youthful energy that kids carry around with them. Afterschool programs make a difference. They especially make a difference in the lives of young people who live in communities, like many that I represent, that are facing enormous financial pressures just meeting the requirements of providing daily instruction and can't support, without additional help, the kind of afterschool experiences that this program has supported. Why fix what is not broken? These programs really work.

I know something about this. I come from Flint, Michigan. In fact, I served on the board of education in my hometown in Flint. I was elected 38 years ago. I was 18 years old.

Flint is an important community in discovering the value of afterschool programming because long ago, many decades ago, auto pioneer Charles Stewart Mott and a visionary by the name of Frank Manley developed a community education concept which opened the doors to schools and provided enrichment activities so that young people could have those positive choices.

What do we say to these kids when we tell them stay on the straight and narrow, stay in school, when those few hours after the schoolday they are at risk and are given opportunities every day to make bad choices for themselves, to go down a negative path? What afterschool programming has done is it has given these young folks a chance to explore their creative side. It works. It makes a difference, not just in keeping them out of trouble, but what we have seen is that afterschool programming actually improves academic performance. The ability to engage in arts and music and physical activity improves their schoolday performance.

Mr. Speaker, this is an important piece of legislation. It ought to include this provision.

Ms. FOXX. I yield myself such time as I may consume.

Mr. Speaker, while current Federal policy started with good intentions, burdensome and prescriptive regulations have created confusion for school districts and limited school participation and tutoring services and public school choice. Parents know their children best, and any efforts to provide a high-quality education must include engaged parents. Parental involvement can help drive innovation, competition, and school improvement.

The Student Success Act builds on the importance of parental involvement by ensuring that parents have access to meaningful information about local school quality, and it empowers local communities to hold students accountable.

□ 1415

It also maintains longstanding parental notification and consent provisions in current law.

H.R. 5 continues the charter school, magnet school, and tutoring programs to provide parents with more choices in educating their children. Along with parental involvement, encouraging and supporting effective teachers in the classroom is critical to student success and high quality education. Mr. Speaker, many Americans can regale you with stories of their favorite teachers who made a lasting impact on their lives.

Federal policies should not hinder innovation in the classroom. That is why the underlying bill repeals Federal "highly qualified teachers" requirements which restrict State and local school districts' ability to reward and maintain good teachers by rewarding education level over effective teaching.

H.R. 5 also supports the development and implementation of teacher evaluation systems that are designed by States and school districts with input from parents, teachers, school leaders, and other stakeholders. In addition to evaluation systems, the Student Success Act reduces confusion and duplication by consolidating teacher quality programs into a single flexible grant program to be used by States and

school districts to support creative approaches to recruit and retain effective educators.

The recurring theme throughout this legislation is empowering the people closest to students to make decisions for their communities and ensuring that the law is flexible to meet the needs of diverse States, regions, and student populations.

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

Mr. POLIS. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I thank the gentleman from Colorado for the time.

Mr. Speaker, I rise today to oppose H.R. 5, the Student Success Act. I think it is a damaging reauthorization of the Elementary and Secondary Education Act.

Why are we here? What is the role of the Congress? It is to protect America and to ensure America's future. The best way to ensure America's future is to educate our children. In 1965, when the ESEA was originally developed, the exact declaration of that policy stated that it was "in recognition of the special education needs of children of low-income families."

I know a lot about that. I know because I am a Head Start child, a public school kid who went under ESEA. I know that when America makes the right policies to educate its people, we thrive. I know that people can come to America without an education and because of our public school system can believe that their children can grow up to be successful in America. I know that because my parents came without much education and without any money. Oh, by the way, they are the only parents in the history of these United States to send two daughters to this House of Representatives. Let's do the right thing.

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

Mr. POLIS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. CASTOR).

Ms. CASTOR of Florida. Mr. Speaker, I would like to thank the gentleman from Colorado for yielding the time.

Mr. Speaker, I rise to oppose this rule and H.R. 5. One of the hallmarks of America is our system of free, local, public schools. America is the envy of the world because a quality K-12 education is key to opportunity and a pathway to success. To build on that fundamental premise, 50 years ago, the Congress adopted the Elementary and Secondary Education Act to ensure that all children, no matter their background, family income, their race or religion, could have equal access to a high quality public education.

This Republican bill, unfortunately, strikes at the heart of this fundamental American principle, and it tips the scales in favor of the well-to-do to the detriment of millions of other students.

While the bill grants important flexibility to States in some areas, Republicans let States off the hook for maintaining their commitment to students in schools that oftentimes do not have the extras. The Republican bill takes away millions of dollars from students in schools in my home school districts of Hillsborough and Pinellas Counties in Florida.

Overall, Republicans in Congress propose to cut Florida schools by \$33 million in fiscal year 2016 and by a whopping \$437 million through fiscal year 2021. In doing so, they cut at the heart of our ability to give teachers the tools they need to teach and our students the ability to learn.

Now, Mr. Speaker, many amendments will be debated, and some could improve the bill while others will not. But in the end, other than the Democratic substitute, there is no way to fix this Republican bill that would harm so many students and schools across America. So I urge my colleagues to vote "no" and send the committee back to the drawing board.

Ms. FOXX. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN of Tennessee. Mr. Speaker, I appreciate the gentlewoman from North Carolina yielding me this time.

Mr. Speaker, I rise in very strong support of this rule and the underlying bill. I was one of I think 45 Members who voted against the No Child Left Behind law when it originally came up in the House of Representatives several years ago. This turned out to be one of the most popular votes I ever cast with public school teachers. I have heard from many of them throughout these years that that bill has been in effect. It was a bill written primarily by Senator Kennedy and Congressman MILLER, and it was a very far-to-the-left type of bill. So I am especially pleased that this H.R. 5 today is a major re-writing of that bill.

I especially support the very strong alternative certification provisions in the bill. It has never made any sense to me to say that a person with a Ph.D. and long experience in a field cannot teach and some young person with a degree in education would have to be hired. A Ph.D. in chemistry who worked 30 years at Oak Ridge in our scientific lab couldn't be hired to teach, and some person who had had a few hours of chemistry, some 22-year-old with a bachelor's degree, would have to be hired.

Our boards of education should have the flexibility to hire people who have a great education or long experience in a particular field in those types of situations. I wish that the provisions were even stronger than they are now.

Mr. Speaker, many years ago, I taught at T.C. Williams High School in Alexandria. I taught American government and journalism. I very reluctantly gave up that teaching job so that I could finish law school sooner. I

can tell you that my grandmother taught school in Tennessee for over 40 years, and my older sister taught for over 33 years. I have spoken over 1,000 times to schools and school groups, and I can tell you also that the teachers and principals of east Tennessee have enough sense and intelligence to run their own schools. They don't need bureaucrats from Washington dictating every move that they make almost, and we need much more local control. This bill does that.

Mr. POLIS. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Speaker, I thank the gentleman from Colorado and the gentlewoman from North Carolina for their leadership.

Mr. Speaker, I think you can look at me and understand the importance of the Federal Government, for when I went to school, those of us of minority status, African Americans and Hispanics, were not protected by our States. It had to be those in the Federal Government who indicated that no matter what you looked like, what your race was, or what your disability was, you had the right to equal education. That is what the Federal Government can do. That is what this involvement of the Federal Government is. It is to ensure that no child is denied an education.

Yet, Mr. Speaker, we find ourselves today with a decrease in funding to education across America. Parents should understand that, with a 3.2 million student enrollment increase, this bill flatlines any increase in education. It does not support teachers, and it does not support highly qualified teachers in providing for them an incentive to teach.

More importantly, my fellow students who may be called disabled, do you know what they do to them? They raise the numbers of those who can be sent to those classes that in the old days we called slow classes, so that they are not mainstreamed, they are just thrown over to the side. We stopped doing that decades ago, but this bill brings it right back home again.

What the Federal Government does is it raises standards to allow States not to weaken standards, not to weaken the assessment process, and not to institute weak accountability systems. But that is what this bill does now. So my student who needs an opportunity does not have the support, and poor children, money is taken from poor children and recklessly used for something else.

Why, Mr. Speaker, can't we make this a bipartisan bill and do what was done for me by the Federal Government? It gave me the opportunity to stand on the floor of the House today as an African American. With a history of segregation in America, the Federal Government said that I needed an equal education.

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

Mr. POLIS. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. JUDY CHU).

Ms. JUDY CHU of California. Mr. Speaker, our current education system must be fixed. However, H.R. 5 is not the solution.

As chair of the Congressional Asian Pacific American Caucus, I cannot support H.R. 5. This bill hurts the very children that ESEA intended to protect: children of color, children of poverty, and children with disabilities. H.R. 5 fails to hold States and schools accountable and to make students college- and career-ready. Almost 5 million English language learners will suffer with limited funds and block grants. Wraparound services that are so critical for a well-rounded education are eliminated. H.R. 5 hurts our students and makes America less competitive.

By contrast, Mr. Speaker, the Democratic substitute ensures that high-poverty schools and high-needs students get the resources and the support that they need. I urge you to vote "no" on H.R. 5 and "yes" on the substitute.

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

Mr. POLIS. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS. Mr. Speaker, I thank my friend and colleague from Colorado for yielding.

Mr. Speaker, I rise in strong opposition to this rule and against H.R. 5. Everyone who knows me knows that I believe that if you spend 5 minutes—only 5 minutes—with a young person, you can change a life and shift the course of history. Many years ago, Dr. Martin Luther King, Jr., and Rosa Parks saw a little light, a little hope in me, "the boy from Troy," a young student from rural Alabama. They gave me hope and opened doors.

Their actions taught me how important it is to tear down barriers and invest in the potential of each and every American child.

Mr. Speaker, we have the responsibility to learn from our experiences and provide a quality foundation for the next generation. But this bill turns back the clock on progress. H.R. 5 puts the hardest-hit—those most in need—on the chopping block. We don't want to go back. We want to go forward. It cuts funding, pushes down standards, and rolls back the protections for our future—our youth—our precious children.

I urge each and every one of my colleagues to vote "no." Let us come together and do what is right and what is just to help students realize the American Dream. That is the thing to do, and we must do it.

□ 1430

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

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

Before I get back to education, I want to point out that there is a very

unusual component to this rule. There is something called self-executing language, which means that the rule is effectively like a bill, and the language is around a very hot button divisive topic—namely, abortion.

There is actually a provision in this rule that effectively becomes a passed bill—it is self-executing—that would defund school-based health centers if they have any information about referrals or directions or any abortion-related materials.

In fact, the language is so vague, they wouldn't even be able to display, under this, antiabortion-related materials. It says:

The center will not provide abortion-related materials, referrals, or directions for abortion services to any such student.

It would essentially prevent a school from providing information to a child about alternatives to abortion, like adoption or other options that a young parent might have, to be able to stay in school.

If this rule passes with this self-executing amendment, I believe that the number of abortions will increase in the country as a result. This is an anti-choice, pro-abortion measure that has been inserted into this rule, and it is very restrictive on our school districts.

It is a very unusual procedural tactic. I have never seen, in my 6 years here, a rule used for self-executing language around a divisive topic like abortion.

No debate on the amendment—even these other amendments on education under this bill, they have 10 minutes of debate, and they have 20 minutes of debate. This is a secret attempt to get language into a bill that we were not even shown, I think, 3 minutes before we voted on it in the Rules Committee yesterday—just another example of the problems with this ad hoc lawmaking process without the right thought going into bills.

I don't even think that the sponsor of this, who is Representative NEUGEBAUER, meant to exclude information about alternatives to abortion or other options that people might choose; but, unfortunately, the language of the self-executed amendment would prohibit that as well.

Mr. Speaker, instead of engaging in these partisan fights, I wish that at least one of our unanimous consent requests had been granted to fund the Department of Homeland Security. Unfortunately, that wasn't the case. We are instead discussing a very divisive bill.

Some of my colleagues talked about funding. I want to elaborate a little more about what this so-called portability was. Portability sounds great. Of course, funds should follow the student.

The net effect of this version of portability that is in this bill is that resources are transferred out of schools that serve a lot of at-risk and poor children to schools that serve a lower percentage of poor or at-risk children.

What this means in districts like mine or districts across the country is, on the ground, schools that serve 60, 70, 80 percent low-income families will lose two staff people, three staff people—in some cases, maybe even four staff people. They will lose teachers. They will lose paraprofessionals. They will be taken out of their budget, and they would be added to the budget of some of the wealthier schools in the district.

Now, look, if we all want to add staff to all schools, I mean, my goodness, if we can find funding to add staff to some of the wealthier schools—I know that there are many schools that have a lower socioeconomic risk in my district—parents would love more staff, but the right answer is not to take those staff out of the schools that serve the most at-risk kids.

That is what this bill does, which is why no Democrats on our committee supported it. It is a step in the opposite direction. Honestly, Mr. Speaker, it is hard to even get to the discussion of getting accountability right—expanding and replicating what works and changing what doesn't work and encouraging innovation—when the basic funding parameters of the bill do the opposite of what we need to do: take money out of the schools that serve the most at-risk kids which, under whatever accountability system we use, are likely the schools that need more investment.

I urge my colleagues to oppose this rule with the self-executing abortion language, and I yield back the balance of my time.

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

My colleague has raised the provision in the manager's amendment related to school-based health centers referring children in schools for abortions. Regardless of their position on abortion, most Americans agree that the issue should not be raised at school. The language now in the bill reflects that consensus and would have no impact on adoptions.

Mr. Speaker, my background as an educator, school board member, mother, and grandmother reinforces my belief that students are best served when people at the local level are in control of education decisions. I also believe that education is the most important tool Americans at any age can have.

I was the first person in my family to graduate from high school and went to college where I worked full time and attended school part time. It took me 7 years to earn my bachelor's degree, and I continued to work my way through my master's and doctoral degrees.

From my own experience, I am convinced this is the greatest country in the world for many reasons, not the least of which is that a person like me, who grew up extremely poor in a house with no electricity and no running water, with parents with very little formal education and no prestige at all, could work hard and be elected to the

United States House of Representatives.

No legislation is perfect, and that is why I look forward to working with my colleagues to address their concerns and improve the Student Success Act throughout the amendment process.

We have a significant number of amendments to consider. Forty-four amendments are made in order by this rule, including over 20 Democrat amendments. Among those is Ranking Member SCOTT's substitute amendment for this legislation and nine bipartisan amendments.

I have never been one to let the perfect be the enemy of the good, and H.R. 5 is a step in the right direction of reducing the Federal role in education; empowering parents, teachers, and local school districts; and increasing local control.

That is why I am a proud cosponsor of this legislation, and urge my colleagues to vote in favor of this rule and the underlying bill.

The material previously referred to by Mr. POLIS is as follows:

AN AMENDMENT TO H. RES. 125 OFFERED BY
MR. POLIS OF COLORADO

At the end of the resolution, add the following new sections:

SEC. 2. Immediately upon adoption of this resolution the Speaker shall, 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. 861) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2015, and for other purposes. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. 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. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 3. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 861.

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 Republican majority agenda and a vote to allow the Democratic minority 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."

The Republican majority may 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 Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In 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 Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. FOXX. 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. POLIS. 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 adoption of the resolution, if ordered, and agreeing to the Speaker's approval of the Journal, if ordered.

The vote was taken by electronic device, and there were—yeas 234, nays 177, not voting 21, as follows:

[Roll No. 92]

YEAS—234

Abraham	Grothman	Pearce
Aderholt	Guinta	Perry
Allen	Guthrie	Pittenger
Amash	Hanna	Pitts
Amodei	Hardy	Poe (TX)
Babin	Harper	Poliquin
Barletta	Harris	Possey
Barr	Hartzler	Price, Tom
Barton	Heck (NV)	Ratcliffe
Benishek	Hensarling	Reed
Billakis	Herrera Beutler	Reichert
Bishop (MI)	Hice, Jody B.	Renacci
Bishop (UT)	Hill	Ribble
Black	Holding	Rice (SC)
Blackburn	Hudson	Rigell
Blum	Huelskamp	Roby
Bost	Huizenga (MI)	Rogers (KY)
Boustany	Hultgren	Rogers (AL)
Brady (TX)	Hunter	Rohrabacher
Brat	Hurd (TX)	Rokita
Bridenstine	Hurt (VA)	Rooney (FL)
Brooks (AL)	Issa	Ros-Lehtinen
Brooks (IN)	Jenkins (KS)	Ross
Buchanan	Jenkins (WV)	Rothfus
Buck	Johnson (OH)	Rouzer
Bucshon	Johnson, Sam	Royce
Burgess	Jolly	Russell
Byrne	Jones	Ryan (WI)
Calvert	Jordan	Salmon
Carter (GA)	Joyce	Sanford
Carter (TX)	Katko	Scalise
Chabot	Kelly (PA)	Schweikert
Chaffetz	King (IA)	Scott, Austin
Clawson (FL)	Kinzinger (IL)	Sensenbrenner
Coffman	Kline	Sessions
Cole	Knight	Shimkus
Collins (GA)	Labrador	Shuster
Collins (NY)	LaMalfa	Simpson
Comstock	Lamborn	Smith (MO)
Conaway	Lance	Smith (NE)
Cook	Latta	Smith (NJ)
Costello (PA)	LoBiondo	Smith (TX)
Cramer	Loudermilk	Stefanik
Crawford	Love	Stewart
Crenshaw	Lucas	Stivers
Culberson	Luetkemeyer	Stutzman
Curbelo (FL)	Lummis	Thompson (PA)
Davis, Rodney	MacArthur	Thornberry
Denham	Marchant	Tiberi
Dent	Marino	Tipton
DeSantis	Massie	Trott
DesJarlais	McCarthy	Turner
Diaz-Balart	McCaul	Upton
Duffy	McClintock	Valadao
Duncan (TN)	McHenry	Wagner
Ellmers (NC)	McKinley	Walberg
Emmer (MN)	McMorris	Walden
Farenthold	Rodgers	Walker
Fincher	McSally	Walorski
Fitzpatrick	Meadows	Walters, Mimi
Fleischmann	Meehan	Weber (TX)
Fleming	Messer	Webster (FL)
Forbes	Mica	Westerman
Fortenberry	Miller (FL)	Westmoreland
Fox	Miller (MI)	Whitfield
Franks (AZ)	Moolenaar	Williams
Frelinghuysen	Mooney (WV)	Wilson (SC)
Garrett	Mullin	Wittman
Gibbs	Mulvaney	Womack
Gibson	Murphy (PA)	Woodall
Gohmert	Neugebauer	Yoder
Goodlatte	Newhouse	Yoho
Gosar	Noem	Young (AK)
Gowdy	Nugent	Young (IA)
Granger	Nunes	Young (IN)
Graves (GA)	Olson	Zeldin
Graves (LA)	Palazzo	
Graves (MO)	Palmer	
Griffith	Paulsen	

NAYS—177

Adams	Boyle, Brendan	Carson (IN)
Aguilar	F.	Cartwright
Ashford	Brady (PA)	Castor (FL)
Bass	Brown (FL)	Castro (TX)
Beatty	Brownley (CA)	Chu, Judy
Becerra	Bustos	Cicilline
Bera	Butterfield	Clark (MA)
Beyer	Capps	Clarke (NY)
Bishop (GA)	Capuano	Clay
Blumenauer	Cardenas	Cleaver
Bonamici	Carney	Clyburn

Cohen Johnson (GA)
 Connolly Johnson, E. B.
 Conyers Kaptur
 Cooper Kelly (IL)
 Courtney Kennedy
 Crowley Kildee
 Cuellar Kilmer
 Cummings Kind
 Davis (CA) Kirkpatrick
 Davis, Danny Kirkpatrick
 DeFazio Larsen (WA)
 DeGette Larson (CT)
 Delaney Lawrence
 DeLauro Levin
 DelBene Lewis
 DeSaulnier Lieu, Ted
 Deutch Lipinski
 Dingell Loebach
 Doggett Lofgren
 Doyle, Michael Lowenthal
 F. Lowey
 Duckworth Lujan Grisham
 Edwards (NM)
 Ellison Lujan, Ben Ray
 Engel (NM)
 Eshoo Lynch
 Esty Maloney,
 Farr Carolyn
 Fattah Maloney, Sean
 Foster Matsui
 Frankel (FL) McCollum
 Fudge McDermott
 Gabbard McGovern
 Gallego Meeks
 Garamendi Meng
 Graham Moore
 Grayson Moulton
 Green, Al Murphy (FL)
 Green, Gene Nadler
 Grijalva Napolitano
 Gutiérrez Neal
 Hahn Nolan
 Hastings Norcross
 Heck (WA) O'Rourke
 Himes Pallone
 Honda Pascarell
 Hoyer Payne
 Huffman Pelosi
 Israel Perlmutter
 Jackson Lee Peters
 Jeffries Peterson

NOT VOTING—21

Costa King (NY)
 Dold Langevin
 Duncan (SC) Lee
 Flores Long
 Higgins McNerney
 Hinojosa Pompeo
 Keating Rice (NY)

□ 1502

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

Stated for:

Mr. DOLD. Mr. Speaker, on rollcall No. 92, I was unavoidably detained in a meeting with constituents. Had I been present, I would have voted "yes."

Stated against:

Mr. LANGEVIN. Mr. Speaker, on rollcall No. 92 I was unavoidably detained. Had I been present, I would have voted "no."

Mr. KEATING. Mr. Speaker, I missed recorded vote No. 92 due to a hearing of the Homeland Security Subcommittee on Counterterrorism and Intelligence. I would have voted "no" (Motion on Ordering the Previous Question on the Rule providing for further consideration of H.R. 5, the Student Success Act). Had this motion failed, House Democrats would have had the opportunity to offer an amendment making H.R. 861 in order.

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

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

RECORDED VOTE

Mr. POLIS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 234, noes 184, not voting 14, as follows:

[Roll No. 93]

AYES—234

Abraham Grothman
 Aderholt Guinta
 Allen Guthrie
 Amash Hanna
 Amodei Hardy
 Babin Harper
 Barletta Harris
 Barr Hartzler
 Barton Heck (NV)
 Benishek Hensarling
 Bilirakis Herrera Beutler
 Bishop (MI) Hice, Jody B.
 Bishop (UT) Hill
 Black Holding
 Blackburn Hudson
 Blum Huelskamp
 Bost Huizenga (MI)
 Boustany Hultgren
 Brady (TX) Hunter
 Brat Hurd (TX)
 Bridenstine Hurt (VA)
 Brooks (AL) Issa
 Brooks (IN) Jenkins (KS)
 Buchanan Jenkins (WV)
 Buck Johnson (OH)
 Busch Johnson, Sam
 Burgess Jolly
 Byrne Jones
 Calvert Jordan
 Carter (GA) Joyce
 Carter (TX) Katko
 Chabot Kelly (PA)
 Chaffetz King (IA)
 Clawson (FL) King (NY)
 Coffman Kinzinger (IL)
 Cole Kline
 Collins (GA) Knight
 Collins (NY) Labrador
 Comstock LaMalfa
 Conaway Lamborn
 Cook Lance
 Costello (PA) Latta
 Cramer LoBiondo
 Crawford Loudermilk
 Crenshaw Curberson
 Culberson Curbelo (FL)
 Davis, Rodney
 Denham
 Dent
 DeSantis
 DesJarlais
 Diaz-Balart
 Duffy
 Duncan (TN)
 Ellmers (NC)
 Emmer (MN)
 Farenthold
 Fincher
 Fitzpatrick
 Fleischmann
 Fleming
 Forbes
 Fortenberry
 Foxx
 Franks (AZ)
 Frelinghuysen
 Garrett
 Gibbs
 Gibson
 Gohmert
 Goodlatte
 Gosar
 Gowdy
 Granger
 Graves (GA)
 Graves (LA)
 Graves (MO)
 Griffith

NOES—184

Adams
 Agullar
 Ashford
 Bass
 Beatty
 Becerra
 Bera
 Beyer
 Bishop (GA)
 Blumenauer
 Bonamici
 Boyle, Brendan
 F.
 Brady (PA)
 Brown (FL)
 Brownley (CA)
 Bustos
 Butterfield
 Capps
 Capuano
 Cárdenas

Carney
 Carson (IN)
 Cartwright
 Castor (FL)
 Castro (TX)
 Chu, Judy
 Cicilline
 Clark (MA)
 Clarke (NY)
 Clay
 Cleaver
 Clyburn
 Cohen
 Connolly
 Conyers
 Cooper
 Costa
 Courtney
 Cuellar
 Cummings
 Davis (CA)
 Davis, Danny
 DeFazio
 DeGette
 Delaney
 DeLauro
 DelBene
 DeSaulnier
 Deutch
 Dingell
 Doggett
 Dold
 Doyle, Michael
 F.
 Duckworth
 Edwards
 Ellison
 Engel
 Eshoo
 Esty
 Farr
 Fattah
 Foster
 Frankel (FL)
 Fudge
 Gabbard
 Gallego
 Garamendi
 Graham
 Grayson
 Green, Al
 Green, Gene
 Grijalva
 Gutiérrez
 Hahn
 Hastings
 Heck (WA)
 Higgins
 Himes
 Honda
 Hoyer
 Huffman
 Israel
 Jackson Lee
 Jeffries

NOT VOTING—14

Duncan (SC) McNerney
 Flores Pitts
 Hinojosa Pompeo
 Lee Reichert
 Long Roe (TN)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1510

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. REICHERT. Mr. Speaker, on rollcall No. 93, I was unavoidably detained. Had I been present, I would have voted "yes."

THE JOURNAL

The SPEAKER pro tempore. The unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

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