

□ 1245

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 8, NORTH AMERICAN ENERGY SECURITY AND INFRASTRUCTURE ACT OF 2015, AND PROVIDING FOR CONSIDERATION OF THE CONFERENCE REPORT ON S. 1177, STUDENT SUCCESS ACT

Mr. BURGESS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 542 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 542

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. 8) to modernize energy infrastructure, build a 21st century energy and manufacturing workforce, bolster America's energy security and diplomacy, and promote energy efficiency and government accountability, 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 Energy and Commerce now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 114-36. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments 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. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. Upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (S. 1177) to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read. The previous question shall be considered as ordered on the conference report to its adoption without intervening motion except: (1) one hour of debate; and (2) one motion to recommit if applicable.

The SPEAKER pro tempore (Mr. DUNCAN of Tennessee). The gentleman from Texas is recognized for 1 hour.

Mr. BURGESS. 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

Mr. BURGESS. 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 gentleman from Texas?

There was no objection.

Mr. BURGESS. Mr. Speaker, House Resolution 542 provides for a rule to continue consideration of the comprehensive energy legislation on which the House began its work yesterday.

The rule makes in order 38 amendments to be considered on the House floor, 22 of which are sponsored by Democratic Members of the House, 12 of which are sponsored by Republicans, and 4 of which were submitted as bipartisan amendments.

Further, the minority will be afforded the standard motion to recommit—a final opportunity to amend the bill prior to its passage.

H. Res. 542 further provides for a rule to consider the conference report to S. 1177, the Student Success Act, which will move the country's education system beyond No Child Left Behind and return the responsibility of educating our children to local and State authorities, where it appropriately belongs.

As with all conference reports brought before the House, the rule provides that debate on the measure will be conducted under the standing rules of the House and will further provide for a motion to recommit, allowing the minority yet another opportunity to amend the legislation before its final passage.

The amendments that the Rules Committee made in order allow the House to weigh in on a number of important issues within the sphere of energy policy, from crude oil exports, to the Federal Government's policy on fossil fuel usage, to siting and regulatory reforms at the Department of Energy and the Federal Energy Regulatory Commission.

I do wish to highlight an amendment that unfortunately was not made in order, one that I submitted to the Rules Committee, as well, during the markup of H.R. 8 in Energy and Commerce.

It has become clear to me, having worked on the Energy and Commerce Committee over the past 10 years, that the authority given to the Department of Energy to regulate and mandate efficiency standards in consumer products was both initially misguided and ultimately has proven to be cumbersome and unworkable.

Mr. Speaker, I have always been a strong believer in energy efficiency. However, government-mandated efficiency standards have proven to be the wrong approach.

For this reason, I submitted an amendment to repeal the Federal energy conservation standards, which dictate how energy efficient consumer products must be before they can be sold in the United States.

These mandates cover products from light bulbs—and, on this, we have successfully blocked it due to overwhelming public outrage—to ceiling fans, to air conditioners, to heaters, to furnaces. The list goes on and on.

The Federal Government should not be setting these standards. Companies and, more importantly, their customers should be the driving force in this decision. This is about letting the free market drive innovation and technological advances. The government should trust the people to make the right decisions when it comes to the products that they buy.

When the government sets the efficiency standard for a product, that often becomes the ceiling. When the market drives the standard, there is no limit to how fast and how aggressive manufacturers will ultimately be when consumers demand more efficient and better products.

Mr. Speaker, government standards have proven to be unworkable. Every single time the Department of Energy proposes to set a new efficiency standard for any product, manufacturers run to their Members of Congress, asking us to sign letters to the Department of Energy to implore them not to set unworkable standards. It is a predictable occurrence for every rule.

Even in H.R. 8, we are conceding that the Department of Energy is moving in the wrong direction with furnace standards, and Congress has to step in and mitigate. In fact, Congress should be getting out of the way of the relationship between companies and their customers.

How many times during the appropriations process are we asked to vote on amendments blocking the Department of Energy from regulating consumer products because the Federal Government does not understand how to run a business? Instead of that approach, we should be removing the Department of Energy's authority altogether.

The Commerce Clause of the United States Constitution was meant as a limitation on Federal power. The Framers intended that clause to be used to ensure that commerce could flow freely among the several States. It was never intended to allow the Federal Government to micromanage everyday consumer products.

If the clause were truly meant to be that expansive, then the 10th Amendment would be meaningless. There would be no authority left to reserve to the States. This view of the Commerce Clause was reaffirmed most recently by

the Supreme Court in the National Federation of Independent Business v. Sebelius.

The Commerce Clause does not and cannot extend so far as to allow the Federal Government to regulate products that do not pose a risk to health or safety. There is a place for the FDA to regulate safe food and drugs and for the National Highway Traffic Safety Administration to regulate the safety of cars on the roads, but to give the Federal Government the authority to regulate how efficient a product should be really seems to cross a constitutional line.

Congress has already stepped in to block the Department of Energy from setting efficiency standards for light bulbs—not because Congress gained wisdom. It was because the American people understood clearly that this was government overreach at its worst, and they demanded it be fixed.

But the same can and should be said about every consumer product that the Department of Energy has been given the authority to regulate in the efficiency space. From light bulbs, to furnaces, to air conditioners, to ceiling fans, the Department of Energy should not be telling manufacturers how to make their products.

I also want to say one thing about the amendment to H.R. 8 that was submitted by the Representative from Wyoming (Mrs. LUMMIS), which was also, unfortunately, not made in order.

This amendment was based, in part, on a series of GAO studies that I and Senator MARKEY had commissioned to study the Department of Energy's management of uranium issues and its impact on the domestic uranium mining industry.

It is a critical issue for those of us from Western States. And it is my hope, as this body continues to work to protect that industry from further legally suspect actions by the Department of Energy, that Mrs. LUMMIS' wishes will be achieved.

The education conference report, known as the Every Student Succeeds Act, is a bipartisan compromise to reauthorize and reform our education system.

For the past 13 years, our students and our schools have been struggling to meet the rigorous and often unrealistic demands of No Child Left Behind.

No Child Left Behind attempted to improve school accountability by conditioning increased funding on annual testing requirements and pass rates. One hundred percent of students were supposed to be proficient by 2014, with failing schools being required to restructure under Federal guidelines.

A vote against the Every Student Succeeds Act today is a vote to keep No Child Left Behind in place, to keep the onerous average yearly progress standards in place, and to keep the high-stakes testing in place that so many of our constituents deplore.

This compromise, which was worked out in committee, is a vast improve-

ment. It is not a perfect bill by any stretch, but it is a vast improvement. And, really, for the first time, it moves control back into the hands of States and local districts, where it belongs.

It eliminates the waiver process by repealing the adequate yearly progress Federal accountability system. For years, school boards in my district have been requesting relief from having to obtain waivers from the Department of Education.

This bill will allow local districts to set their own testing requirements and standards to determine whether a student or a school is struggling as well as how to improve.

Common Core incentives are eliminated. Let me repeat that. Common Core incentives are eliminated.

The Federal Government created the Federal education regulations and mandated their adoption by withholding funds from schools. This intervention is another example of the Federal Government's prescribing its best practices over those schools and teachers who, every day, get up and go to work to do their best. They know their students. They know how best to teach them. Under the Every Student Succeeds Act, this stops.

This bill also provides States with new funding flexibility by allowing States to determine how to spend their Federal dollars—on average, 7 percent per year. In my State, this is more than \$225 million annually that the State will be able to allocate in the most effective and the most efficient way possible.

This bill is a 4-year authorization. That is an important point. Regardless of how you feel about the current administration, it will not be the current administration in 4 years' time. That will allow the next administration, whoever he or she may be, the opportunity to better evaluate education programs and, my hope is, to continue to reduce the Federal role for our students, schools, and teachers in Texas and throughout the country.

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

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

I am glad the gentleman got to education. We heard 9 or 10 minutes about this corporate welfare energy bill, which is not going anywhere, and it is the reason that I don't think there will be any Democrats supporting this rule. But, yes, in this rule is also a wonderful education bill that we are very excited about, and I think we have many Democrats who will want to tell you about it here today. It is exciting to reach this point.

I share the frustration of teachers, of parents, of students across the country with No Child Left Behind. I was on the State Board of Education in Colorado from 2001 to 2007 when we implemented No Child Left Behind. We saw many of the flaws at that time.

We knew the fallacy of the formula for adequate yearly progress, and it

was set up in such a way that all schools would eventually fail. We saw the rigid structure that could even inhibit State and district innovation.

□ 1300

I am proud to say today that the bill under this rule is a major step forward. For those who are thinking of opposing it, realize that, in opposing it, you are ensuring that No Child Left Behind will continue exactly as it is.

There is never a perfect alternative. I am sure, if each of us had the opportunity to write our own education bill, we would have 435 different bills.

What we have before us is a good, realistic compromise that can replace No Child Left Behind with a new Federal education law. It is something that is long overdue for the kids of this country, something that will be a boost in morale to teachers and educators in this country, and something that will encourage innovation at the State and district level. I will talk about some of those provisions that do just that.

Just a few weeks ago I met with some teachers and students at Rocky Mountain High School in Fort Collins, Colorado. They expressed their frustration with what has become everyday challenges in K-12 schools and how detached our No Child Left Behind law from 15 years ago is with the realities of education today.

Teachers are spending less time teaching and more time administering high-stakes test or teaching of the test. Students are spending less time learning. As a result, schools have less time to focus on teaching real skills that students need to be ready for college or to be ready for careers in technical education after high school.

Unfortunately, schools across my district and the country have been experiencing the same frustrations as the teachers and students at Rocky Mountain High who I met with a couple weeks ago.

These frustrations are in many ways the result of the outdated education law, No Child Left Behind, which passed in 2001, which was well intentioned, but imposed a one-size-fits-all accountability system, a flawed one at that, on a diverse set of States and districts across our country.

That is why I am so excited to be here on the floor of the House with the opportunity to speak about the new conference report, the new bipartisan, bicameral ESEA Reauthorization, the Every Student Succeeds Act, which passed 39-1 in our conference committee.

I encourage my colleagues on both sides of the aisle to join me and the other conferees in replacing No Child Left Behind with Every Student Succeeds Act.

The Every Student Succeeds Act is the result of years of work by both Chambers. Former Ranking Member and former Chair George Miller, former Ranking Member and Chair Buck McKeon, current Chair Mr. KLINE, and

Mr. SCOTT have worked tirelessly, along with their staffs, over years to be able to put together something that both Democrats and Republicans can feel good about. Because guess what. We both care about kids. We both care about education. It is not a partisan issue.

Now, we might have our differences about how to improve our schools. Let's put all those good ideas on the table. And they were. And they were voiced. We were able to build and improve deeply upon the highly flawed first version of this bill that the House passed, which would have taken Federal dollars away from the poorest schools and given it to wealthier schools.

The House-passed bill would have completely failed students with disabilities by allowing unlimited students to have no accountability by classifying them as students with disabilities for alternative assessments, sweeping under the rug the tremendous amount of progress that students with disabilities have made since No Child Left Behind.

The first version of the bill didn't establish any accountability for graduation or proficiency rates or any parameters for interventions to ensure that we could improve struggling schools.

Now, when the Every Student Succeeds Act finally passed the House, it barely passed. It passed in a purely partisan manner. No Democrats supported the bill, and many Republicans didn't support the bill.

Now, the silver lining of that is that it allowed the process to move forward. I am proud to say, after months of hard work by the staff and the chair and ranking member, the conference committee has succeeded in reporting out a bill that I believe is better than the Senate bill, better than the House bill, and certainly better than No Child Left Behind.

When the conferees met, several Members offered thoughtful amendments that built upon and improved the conference framework even more. For example, Mr. MESSER offered an amendment that would allow funds to be used to educate teachers about best practices for student data privacy.

I offered a successful amendment that increases dual and concurrent enrollment opportunities for English language learners, something near and dear to my heart as the founder of the New America School charter school network.

The conference committee took the framework and turned it into a robust bill that replaces No Child Left Behind with a system that works better for students, for educators, for families, and for schools.

When ESEA was first passed in 1965, first and foremost, it was seen properly as a critical piece of civil rights legislation. For the first time, the Federal Government was making a commitment that every child, regardless of race, background, or ZIP Code, de-

served a great education to prepare them for success.

Any reauthorization of ESEA needs to uphold that same commitment to civil rights that was established in 1965. While the Every Student Succeeds Act isn't perfect, I believe that it upholds that commitment to civil rights that is such an important role for the Federal Government to play.

Most importantly, the Every Student Succeeds Act includes strong accountability provisions that ensure that underimproving schools are identified and improved.

Now, title I in Every Student Succeeds Act has come a long way from the original House bill. The number of Members in the House, including those in the new Democratic coalition and the Tri-Caucus, demanded stronger accountability provisions in the conference report. I am very happy to see that the conference report has delivered.

Specifically, the Every Student Succeeds Act maintains annual statewide assessments, which gives States, districts, teachers, and parents valuable information about how students are performing and the tools they need to improve student performance. This data will be broken down by subgroup, by race, by socioeconomic status, to ensure that no students are swept under the rug.

This bill includes a clear framework for identifying consistently low-performing schools and provides resources and ensures that States intervene to improve them. It fully maintains our promise to parents of students with disabilities, the promise that schools will be accountable to ensure that their child is learning and that the unique learning needs of their children are met.

To be clear, these requirements are not the same top-down, one-size-fits-all accountability provisions of No Child Left Behind. The one-size-fits-all formula of adequate yearly progress is rightfully gone. The accountability provisions in Every Student Succeeds Act creates a framework for States as they create their own meaningful accountability plans.

This means that States can be flexible and innovative to create specific policies that work for them. It is a challenge to States to rise to the occasion in meeting the learning needs of all students while maintaining those Federal rails to ensure that no child is left out.

This bill provides additional flexibility around testing by allowing high-quality, Federally recognized tests to also meet the annual testing requirements in high school. In my district, high schoolers take the Colorado State test, the ACT, and, if necessary, AP or IB exams. That is a lot of testing in the final years of high school.

This new flexibility would mean that a pending application that Colorado has for the ACT to stand in place of the Colorado State test would be specifi-

cally allowed in statute under this bill, and I couldn't be more proud of that provision.

This bill also maintains strong support for high-quality charter schools, something that I have made a hallmark of my time here in Congress and have been a coauthor of bills that have passed this body overwhelmingly. That charter school language is reflected in this bill.

The language would improve charter school access and service for all students, give new and innovative charter schools those tools they need to meet their goal of serving at-risk and diverse students that ensure that our limited Federal investment supports the replication and expansion of high-quality, innovative charter schools.

Before I came to Congress, I founded two public charter school networks. I know the freedom to innovate and the flexibility to pursue a unique mission within public education can help charter schools succeed at the highest levels.

This bill also contains a commitment to education technology and innovation. The Investing in Innovation program has also been one of my top priorities in this bill.

In Colorado, the St. Vrain Valley School District, which I represent a good portion of, received a \$3.6 million innovation grant to expand programs for at-risk kids in seven schools.

Because of that grant, St. Vrain was able to extend the school year at four elementary schools that serve at-risk kids, target math students at risk of failing at two middle schools that implement the STEM Academy at Skyline High School. I couldn't be more proud of this provision.

Now, this rule also has a corporate welfare giveaway to the oil and gas industry. Thankfully, they are two separate votes. So my colleagues can vote against corporate welfare for the oil and gas industry, one of the most profitable industries on the face of the planet, and vote for kids.

I do encourage my colleagues to vote against the rule, which has the oil and gas corporate welfare bill. If it simply was a straight-up vote on ESEA, I think my Democratic colleagues would join me in supporting the rule. Unfortunately, it is not.

They stuck another bill in there that is an enormous multibillion-dollar giveaway to the most profitable industry on the face of the planet, trying to preserve the fossil fuel industry rather than find a pathway forward to transition toward a lower carbon emission future.

I reserve the balance of my time.

Mr. BURGESS. Mr. Speaker, I yield 3 minutes to the gentlewoman from North Carolina (Ms. FOXX), a valuable senior member of the Committee on Education and the Workforce.

Ms. FOXX. Mr. Speaker, I thank my colleague, Dr. BURGESS, for yielding time.

Mr. Speaker, as a child, my family's home didn't have electricity or running

water. My parents, while dedicated and hardworking, were poor, with little formal education.

Fortunately, I was pushed by the right people, teachers and administrators, who wouldn't let me settle for less than my best. In the mountains of North Carolina, I learned firsthand the power of education and its vital role in the success of individual Americans.

Unfortunately, today's K-12 education system is failing our students. Decades of Washington's counterproductive mandates and the No Child Left Behind law have resulted in stagnant student achievement, disappointing graduation rates, and high school graduates entering college and the workforce without the knowledge and resources they need to succeed.

Parents and education leaders have lost much of their decisionmaking authority to Washington bureaucrats, and the Secretary of Education has bullied States into adopting the Obama administration's pet policies.

The rule we are debating now would provide for consideration of a conference committee agreement, the Every Student Succeeds Act, reauthorizing and reforming the Elementary and Secondary Education Act that would allow Congress finally to replace the No Child Left Behind.

As a grandmother, educator, and former school board member, I know students are best served when teachers, parents, and administrators are the driving force behind improving education. This agreement does just that by reducing the Federal footprint in the Nation's classrooms and restoring control to the people who know their students best.

The compromise Every Student Succeeds Act gets Washington out of the business of running schools. It protects State and local autonomy by prohibiting the Secretary of Education from coercing States into adopting Common Core or punishing them for abandoning it.

It also would place unprecedented restrictions on the authority of the Secretary of Education, preventing the Secretary from imposing new requirements on States and school districts through executive fiat, as President Obama's Department of Education has done repeatedly over the past 3 years.

The proposal eliminates the burdensome one-size-fits-all accountability system that has done more to tie up States and school districts in red tape than to support local efforts to educate children. It also reduces the size of the Federal education bureaucracy by eliminating ineffective and duplicative Federal programs and requiring the Secretary of Education to reduce the Department's workforce accordingly.

If Congress were to fail to act, States would be forced to choose between the fundamentally flawed policies of No Child Left Behind, which double down on Federal programs, mandates, and spending, and the Obama administration's controversial temporary condi-

tional waiver scheme, which has imposed the administration's preferred policies and heightened the level of uncertainty shared by States and school districts. America's students deserve better.

That is why I am so pleased today's agreement gives States a better chance to succeed by getting Washington out of their way. Our work has been validated by *The Wall Street Journal*, which stated that the bill would represent the largest evolution of Federal control to the States in a quarter century. It is far better than the status quo that would continue if nothing passes.

The SPEAKER pro tempore (Mr. GRAVES of Louisiana). The time of the gentlewoman has expired.

Mr. BURGESS. I yield an additional 15 seconds to the gentlewoman from North Carolina.

Ms. FOXX. By reversing No Child Left Behind, one-size-fits-all micro-management of classrooms, Congress is giving parents, teachers, and local education leaders the tools they need to repair a broken education system and help all children reach their potential. It is time to get Washington out of the way.

I encourage my colleagues to support this rule and the underlying conference committee agreement, the Every Student Succeeds Act.

Mr. POLIS. Mr. Speaker, I yield 2½ minutes to the gentleman from Massachusetts (Mr. KENNEDY), a member of the Energy and Commerce Committee.

Mr. KENNEDY. Mr. Speaker, I want to thank my colleague for yielding and for all of the work that he has put in on an important and necessary advancement in our education system.

As he mentioned, the rule we are debating today also incorporates a rule for an energy bill that I wanted to address today because nowhere is the need for a comprehensive energy policy more critical than in my home State of Massachusetts and the entire region of New England.

With recent announced closures of two plants in our region, one coal and one nuclear, we are facing the loss of over 2,000 megawatts of an already antiquated, already overtaxed electric grid. That loss of capacity is already causing the bills of our consumers to skyrocket through a quadrupling of our capacity rates, from \$1 billion to over \$4 billion.

Those closures and subsequent rate increases underscore our need for a roadmap that puts us on a path toward renewable energy while balancing the reliability and affordability.

□ 1315

The bill before us today does exactly the opposite. It reverses course and renews our investment in outdated energy resources while putting up roadblocks that will halt the innovation our energy infrastructure so desperately needs.

In particular, I am very concerned with section 1110 of the bill, which

would require regional grid operators to conduct a reliability analysis each time a rate change is filed with the Federal Energy Regulatory Commission.

Unfortunately, reliability comes at a cost, and the analysis required by section 1110 fails to even consider its impact on ratepayers. It ignores the concerns that I hear across my district every single day. Rate increases mean families can't save, businesses can't grow, local towns can't plan for the future.

That is why I introduced an amendment which would simply add "at the lowest possible cost" to the reliability analysis in section 1110. Unfortunately, it was not made in order. It was a simple amendment that would have given much-needed direction and flexibility to each regional operator to determine what its reliability needs are and how much it is going to cost local ratepayers.

The reliability analysis is a clear benefit to fuel types that can be stored and ignores the realities and benefits of other sources of energy, including renewables. The criteria required in this analysis fails to consider regional disparities, such as natural gas resources, local policies, and infrastructure.

If the majority is going to insist on a reliability analysis, at the very least we should consider the impact the analysis would have on energy costs to our constituents.

To say I am disappointed about what this bill has become would be a tremendous understatement. I hope today's vote will send a signal to the majority that this version does not have a viable pathway forward and that our Caucus remains committed to working with them on a bill that does.

Mr. BURGESS. Mr. Speaker, at this time, I yield 4 minutes to the gentleman from Alabama (Mr. BYRNE).

Mr. BYRNE. I thank the gentleman for yielding.

Mr. Speaker, as a former member of the Alabama State school board, former chancellor of postsecondary education for the State of Alabama, and as a member of the Committee on Education and the Workforce, I am proud to support this rule and the underlying legislation.

For too long, our Nation's education system has failed under a heavy, top-down system of mandates and requirements set by Washington bureaucrats and special interest groups.

The Every Student Succeeds Act changes that by getting Washington out of the way and empowering our local teachers, principals, and administrators. This legislation achieves these goals by reducing the Federal Government's role in K-12 education and restoring control over education back to the States and local school districts, where it belongs.

The *Wall Street Journal* editorial board calls this legislation the largest devolution of Federal control to the States in a quarter-century. National

Journal notes that the bill marks a rollback of Federal power, while Politico points out that the bill cuts down on the number of education programs.

I hear concerns often from my constituents in southwest Alabama about the Common Core standards. Well, this bill expressly prohibits the Secretary of Education from influencing or coercing States into adopting Common Core. This bill makes clear that it is solely a State's responsibility to set academic standards and pick assessments.

These restrictions on the Federal Secretary of Education are unprecedented and will end the Secretary's ability to influence education policy through executive fiat and conditional waivers.

Some may wonder what the alternative is to this legislation, so let me tell you.

Without this bill, we will continue to allow the Obama administration and the Federal Government to dictate education policy to the States.

Without this bill, the Secretary of Education will continue to use Federal grants and money to coerce States into adopting certain academic standards, like Common Core.

Without this bill, the Federal Department of Education will continue to operate more than 80 programs which are ineffective, duplicative, and unnecessary.

Without this bill, teachers will continue to have their hands tied by policies and assessments put forward by bureaucrats in Washington, D.C.

Washington has no business telling our States and local school districts how to best run their schools. So let's pass the Every Student Succeeds Act. Let's get Washington out of the way, and let's empower our local teachers, parents, and students.

I urge my colleagues to support this rule and to support the Every Student Succeeds Act.

Mr. POLIS. Mr. Speaker, I yield 2½ minutes to the gentleman from New Jersey (Mr. PASCARELL).

Mr. PASCARELL. Mr. Speaker, I have a great deal of respect for the ranking member's intellect and integrity, as well as the chairman, in working through this rule.

But it is simply disgraceful that while the President of the United States, our President, was in Paris this week to unite the world against the growing threat of climate change, this House chose to take up this particular legislation that would undermine the transition to cleaner power sources.

These irresponsible bills put the American people at risk by exposing them to the dangers of carbon pollution, further exacerbating the negative impacts of climate change and putting our natural resources in jeopardy.

While some of my friends choose to deny solid scientific evidence, more than 12,000 peer-reviewed scientific studies are in agreement: Climate change is real, and humans are largely responsible by releasing large amounts

of carbon dioxide and other greenhouse gasses into the atmosphere from burning fossil fuels to produce energy.

But this is the most embarrassing part for our country: that this House is ignoring the scientific and national security community, which has long recognized the national security threat climate change poses for future generations.

The longer term consequences of failing to act to address climate change may add further instability in regions that are already teetering on the edge of crisis. This could impair future access to food and water, damage infrastructure or interrupt commercial activity, and increase competition and tension between countries vying for limited resources.

Now, as this body chooses to ignore our military leaders, we are faced with a choice. We can reject the continued calls to pull fossil fuels from the ground, or we can put our heads in the sand and pretend everything is fine, hunky-dory.

While I may not be a scientist or a military expert, I don't think it is difficult to walk and chew gum at the same time. We can listen to the experts by investing our time and efforts in both short-term and long-term policies to keep the public safe.

Mr. BURGESS. Mr. Speaker, at this time, I yield 3 minutes to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN of Tennessee. Mr. Speaker, I rise in support of this rule and in support of both bills that this rule will bring to the floor.

I thank the gentleman from Texas for yielding me this time. I find myself in very strong agreement with him on every point that he raised in his outstanding opening statement.

In regard to the energy efficiency bill, Mr. Speaker, unemployment is a serious problem in this country, but we have much more underemployment. We have ended up with the best educated waiters and waitresses in the world, as many thousands of college graduates can't find good jobs.

Our environmental rules and regulations and red tape have caused several million good jobs to go to other countries over the last 40 or 50 years. We need more good jobs in this country, Mr. Speaker, and this energy bill will help reduce this movement of jobs to other countries.

But, Mr. Speaker, I rise primarily today to speak in favor of the Every Student Succeeds legislation.

In 2001, I was one of just 45 Members of the House who voted against the No Child Left Behind Federal education law. Just 10 of those 45 remain in the House today: Republican Congressmen SAM JOHNSON, WALTER JONES, JOE PITTS, DANA ROHRBACHER, JIM SENBRENNER, PETE SESSIONS, and myself; and Democrats JOHN CONYERS, BOBBY SCOTT, and MAXINE WATERS.

This turned out to be one of the most popular votes I ever cast, especially with teachers.

I have spoken well over a thousand times in schools through the years, and I voted against the bill in 2001 because I felt the teachers, principals, and parents in east Tennessee had enough common sense and intelligence to run their own schools and classrooms and didn't need Washington bureaucrats telling them what to do.

The No Child Left Behind law was a great overreaction to failed schools in some of our Nation's biggest cities, and it needs to be replaced. Today, I rise in support of the Every Student Succeeds Act so we can leave behind the No Child Left Behind law.

As a previous speaker mentioned, the Wall Street Journal on Monday published an editorial calling this bill "a bipartisan compromise" that would be "the largest devolution of Federal control . . . in a quarter-century."

The paper pointed out that "it's far better than the status quo which would continue if nothing passes," and described the bill as "a rare opportunity for real reform."

This bill should please many conservatives because it does away with the Common Core mandate.

This legislation is an example of great work by my own Senator, constituent, and friend, Senator LAMAR ALEXANDER. This bill is just one of many reasons why Senator ALEXANDER is one of the most respected Members of the other body, and I commend him for his efforts to improve our Nation's schools.

I urge all of my colleagues to support these two bills that this rule brings to the floor.

Mr. POLIS. Mr. Speaker, I yield 3 minutes to the gentleman from Vermont (Mr. WELCH), a member of the Committee on Energy and Commerce.

Mr. WELCH. Mr. Speaker, this bill is missing a great opportunity where we have common ground on energy efficiency. Mr. UPTON and Mr. WHITFIELD are great chairmen of the subcommittee and the standing committee and made an honest effort to try to include all of the possible things that we could do on energy efficiency, but we came up short.

The American Council for an Energy-Efficient Economy—and that is made up of a lot of private sector companies that are trying to meet the demand that their consumers, corporate consumers, and individuals have to get more bang for their energy dollar by using less and saving more—has said that this bill will not reduce energy consumption in the United States. It will increase it, at a cost of about \$20 billion through 2040.

Why are we doing that? Energy efficiency is the area where we agree. There is a lot of contentious debate about climate change; we are not going to resolve that today. But we have bipartisan agreement that we should use less energy. It is good for our customers, and it is good for the economy, and it is good for the environment. We came up short.

Many of the costs in energy efficiency could be saved with building codes language, which Mr. MCKINLEY, an engineer on the Republican side, introduced along with me. That is not in this bill.

There was a number of other bipartisan amendments that could have been offered. One by Mr. KINZINGER, the Smart Building Acceleration Act, should be in the bill. One by Mr. REED, the Smart Manufacturing Leadership Act, should be in the bill.

So energy efficiency, that is the place we can work together, and it is the place where we save money by using less energy and improving our economy and improving the environment as well.

The second area is the renewable fuel standards.

We have a huge debate in this Congress. If you are a corn farmer and you are from that district, the renewable fuel standards work for you because it increases what you get for producing corn.

Everywhere else, you are getting hammered. The cost to farmers who have to pay grain bills is higher. The cost to consumers who have to buy food is higher. The cost to small engine owners who have to get more repairs is higher. And it is bad for the environment.

That has been determined, I think, to be a well-intended flop.

Many of us had amendments that were going to let this Congress vote on the renewable fuel standard. It was denied by the Committee on Rules because the Congressional Budget Office has said that if we actually passed an amendment eliminating the renewable fuel standards, drivers of pickup trucks and cars would get higher gas mileage, and, therefore, there would be less revenue in the transportation bill from the gas tax, and we might have to pay more to farmers as a subsidy.

Now, what is going on here when we can't take a vote on a proposal that would have the effect of saving the driving public money on gas?

You know, I am willing to take that vote. I am willing to take the heat for saving drivers in this country money because they can get better mileage without ethanol in the fuel.

Mr. Speaker, there has been a real effort here on the committee to make progress. My goal is that we keep at it and try to improve this bill as it goes along the legislative path.

□ 1330

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

Mr. POLIS. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Mr. Speaker, I rise in opposition to the rule, but I would like to speak on some of the positive benefits I see in the education portion of this bill coming down the pike later on today.

First and foremost, I think we are learning a lot, Mr. Speaker, about what

it really means to prepare young kids for an education today. And I believe the brain science that is unfolding in our country and the world is helping us better understand exactly how young minds work and how our own brains work. I think it is smart for us to send more power back to the local districts and then support programming that can help kids learn better.

A component of this bill, the Student Support and Academic Enrichment grant program, allows for helping to educate well-rounded kids, allows us to focus on well-rounded education, focus on safe and healthy kids, and gives local school districts an opportunity to invest in programs like the social and emotional learning programs that are going on around this country.

It is an interesting study. A meta-analysis done of about 213 programs with 270,000 kids participating in social and emotional learning programs saw an 11 percentile point increase in test scores. That closes the achievement gap. We have seen a 10 percent increase in prosocial behavior, a 10 percent decrease in antisocial behavior, and a 20 percent swing in the behavior of the kids.

We have great programs, like the MindUP program that Goldie Hawn started, having a tremendous impact around the country.

In my own congressional district, in Warren City Schools, we have the Inner Resilience Social and Emotional Learning program. In one of our schools, we have seen a 60 percent reduction in out-of-school suspensions. That is a 60 percent reduction.

And these programs are having significant benefits. If you look at the qualities that a young person needs, I believe this bill helps us get back to redefining what the common core is. In my estimation, the common core is: Are we teaching kids mental discipline? the ability to be aware? the ability to be focused? the ability to cultivate one of the key components to a successful life, and that is the ability to regulate your own emotional state?

This comes well before science, technology, engineering, and math. Teaching these key, fundamental characteristics—mental discipline, physical discipline, focus, concentration, self-regulation—are key components before you even get to the academic side of things.

The other component in here is creating healthy schools. This gets into the food that these kids eat. If the student is not getting healthy foods, they are not going to be able to concentrate, they are not going to be able to have a high energy level, they are not going to be able to do well academically.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POLIS. Mr. Speaker, I yield the gentleman an additional 30 seconds.

Mr. RYAN of Ohio. To me, self-regulation, awareness, attention, healthy foods, and healthy environment are the building blocks before we even get to

the academic component of what happens in the classroom.

I want to thank the committees and the conference committee for putting this together and just recognize that I believe there is a new way of educating our kids emerging here. There is a new common core developing, and that is the mental discipline and the physical health of our young people.

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

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

Mr. Speaker, if we defeat the previous question, I will offer an amendment to the rule to bring up bipartisan legislation that would close a loophole allowing suspected terrorists to legally buy guns. This bill would bar the sale of firearms and explosives to those on the terrorist watch list.

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, we have before us today an education bill that is a vast improvement over the status quo. I am proud to say it is a result of the work product between Democrats and Republicans working together to finally replace an outdated educational law with one that makes a lot more sense.

It maintains the original goal of ESEA from 1965—that is, to protect the civil rights of all Americans, to ensure that no school district can sweep under the rug or deny a quality education to any student because of their ethnicity or race or income status—and it allows States and districts the flexibility to meet those needs. It allows States and districts the flexibility to do something, but not the flexibility to do nothing. That is the fine line that Democrats and Republicans have worked together to seek and have accomplished with this bill.

Beginning in 2011, the Department of Education embarked on an unprecedented process of granting annual ESEA waivers to States and some districts. Now, you have heard that waiver process blasted from the other side. Absent that waiver process, under the formula of adequate yearly progress, nearly every State and district would have been labeled a failure. So I hope that my colleagues are grateful for a waiver process that has succeeded in granting waivers not only to my home State of Colorado, but to most States and districts across the country.

Now, of course, the waiver process opened up a Pandora's box. We can all agree it gave too much power to a single Federal agency. Not knowing who the next President is going to be, that should be something that Democrats and Republicans are concerned about.

While President Obama and Secretary Duncan's use of the waiver process allowed States to get out from

under a flawed law, we can't necessarily count on the next President to be as generous with the waiver process in the No Child Left Behind, which is why it is completely appropriate and why you see so many Democrats, Republicans, educators, and school board members lining up to say: You know what? We need better statutory guidance, and we need to eliminate the one flawed Federal measurement of adequate yearly progress and replace it with an accountability system that works at the State and district level and maintains the Federal commitment to civil rights for all students.

Now, I personally agree with some of the reforms that resulted from the ESEA waivers, but a complex annual waiver process is at the whim of whoever the chief executive is at a certain time. It is not sound policy over time to improve our public schools.

I am proud to say this bill, ESEA, has broad support from a diverse coalition of stakeholders. It has support from superintendents, teachers, the Chamber of Commerce, the Business Roundtable, the National Center for Learning Disabilities, the National Council of La Raza, Third Way, the STEM Education Coalition, the National Governors Association, and many others who are very well-regarded organizations that support the bill. And just over the past few days, I have heard from constituents who support the Every Student Succeeds Act.

I have spent most of my public career in education. I believe that education is the single most powerful tool for creating opportunity, for ending poverty, for lifting people into the middle class and beyond.

I have served as chairman of the State Board of Education of Colorado. I founded two charter schools. I served as superintendent of a charter school, the New America School. During my time in Congress, I have sat on the House Education and the Workforce Committee. And on a personal note, I have a preschool-age son.

Nothing could be more important for the future of our country than improving our public schools. Education is important to me, just as it is important to thousands of families in my district and parents everywhere. The Every Student Succeeds Act is a good bill that will move our education system forward.

I am proud to support the conference report, though, again, I am opposed to the rule and H.R. 8, the corporate welfare for the oil and gas industry bill, which was, unfortunately, put under the same rule as an education bill that I think many of us can agree on.

I want to talk about some of the specific language around charter schools that I worked hard to include in this bill.

I am proud to say that this version of the bill maintains strong Federal support for new and innovative charter schools as well as allowing for the replication and expansion of public char-

ter school models that we know work for at-risk kids.

It is one of the great things about education. For every challenge we face, for every problem we see in public education, we also see an example of what works: a great teacher in a classroom defying the odds by helping at-risk students achieve; a great school; a great principal; a great site leader who has turned around a low-performing school, improved graduation rates, and made sure that more kids have access to college.

These stories are a reality in districts like Denver Public Schools, Jefferson County Public Schools, Boulder Valley School District, Poudre School District; and in districts across the country, there are examples of what works and what doesn't work.

The truth is that the Federal Government and States need to ensure that districts change what doesn't work, and one of the best ways to do that is to take proven models of success and expand and replicate them. One of those models that can work is public charter schools.

I am proud to say the public charter schools have been embraced in my home State of Colorado. Denver Public Schools, which serves a high percentage of at-risk kids, has over 20 percent of their children choosing to attend public charter schools. Our State also enjoys strong school choice across all public schools and even between districts.

This bill improves upon the charter school language by allowing the grants to be used for expanding and replicating successful models and upping the bar on authorizing practices and ensuring that quality public charter schools are meeting the needs of learners across the country.

Many of these charter schools wouldn't get off the ground without these Federal startup grants because they don't receive any public funds or State funds—in my home State of Colorado, until June of the year they open; in other States, it might be a little bit different. But generally speaking, all of those planning costs and operating costs for that year, until they open, are not compensated because they have no student enrollment at that point.

Believe me, it takes money to get public charter schools off the ground. They raise money from philanthropy. Some school districts who want more public charter schools help seed them, too. And the Federal investment, along with that, will help ensure that these great educators and great ideas have a chance to actually start a public charter school that meets a real learning need in the community.

I couldn't be more proud that those priorities of the All-STAR Act and the charter school bill passed overwhelmingly by this body in two different legislative sessions are reflected in this final bill.

I encourage my colleagues to vote "no" and defeat the previous question,

to vote "no" on the rule, to vote "yes" on the education bill, and to vote "no" on the corporate welfare for the oil and gas industry bill.

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

Mr. BURGESS. Mr. Speaker, may I inquire as to the amount of time remaining.

The SPEAKER pro tempore. The gentleman from Texas has 11¾ minutes remaining.

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

Mr. Speaker, today's rule provides for further consideration of two important bills affecting the future of this country: the country's energy future and the future of education. They are important bills.

I urge my colleagues to vote "yes" on the previous question, vote "yes" on the rule, and vote "yes" on the underlying bills.

Ms. JACKSON LEE. Mr. Speaker, I rise in support to S. 1177, which is a sea change that moves the nation's education system away from "No Child Left Behind."

I thank Chairman KLINE, Ranking Member SCOTT, and all the members of the House and Senate Conference Committee for their work in bringing the Every Child Succeeds Act.

As the founding member and Chair of the Congressional Children's Caucus, I am in support of this bill because it places the education of our nation's children first.

I am pleased that the Jackson Lee Amendment offered during the House consideration of this bill intended to fight bullying in education settings is included in S. 1177.

The Jackson Lee Amendment supports accountability-based programs and activities that are designed to enhance school safety, which may include research-based bullying prevention, cyberbullying prevention, and disruption of recruitment activity by groups or individuals involved in violent extremism, and gang prevention programs as well as intervention programs regarding bullying.

Statistics on Bully:

Consider the daily reality for too many of our children who are threatened and hurt daily and will not tell adults about their pain or shame: 1 in 7 Students in Grades K–12 is either a bully or a victim of bullying. 90 percent of 4th to 8th Grade Students report being victims of bullying of some type. 56 percent of students have personally witnessed some type of bullying at school. 71 percent of students report incidents of bullying as a problem at their school. 15 percent of all students who don't show up for school reported being out of fear of being bullied while at school. 1 out of 20 students has seen a student with a gun at school. 282,000 students are physically attacked in secondary schools each month.

Consequences of bullying: 15 percent of all school absenteeism is directly related to fears of being bullied at school. According to bullying statistics, 1 out of every 10 students who drops out of school does so because of repeated bullying. Suicides linked to bullying are the saddest statistic.

The Jackson Lee Amendment also addresses growing concerns regarding violent extremism and student social media use.

As the Ranking Member of the Judiciary Subcommittee on Crime, Terrorism, Homeland

Security, and Investigations, as well as a Senior Member of the Homeland Security Committee, I believe that we must address emerging threats where they are, and do so as early as possible.

The Every Student Succeeds Act reflects the core principles for what today's children need to be prepared to succeed.

The bill includes support for students and schools in state accountability plans to create an opportunity for great transparency in making sure the classroom experiences of students will prepare them for higher education or employment opportunities by: (1.) reducing the amount of standardized testing in schools and decoupling high-stakes decision making and statewide standardized tests; and, (2.) ensuring that educators' voices are part of decision making at the federal, state and local levels.

This year marks the 50th anniversary of Congress passing the landmark Elementary and Secondary Education Act (ESEA).

It is appropriate that Congress is taking this important bipartisan step in education reform that is drawing broad support from leading organizations, including the following: (1.) National Education Association; (2.) Leadership Conference on Civil Rights; (3.) National Council of La Raza; (4.) Teach for America; (5.) U.S. Chamber of Commerce; and (6.) Business Roundtable.

The bill before the House will move the nation toward an education policy built for success from the classrooms to the workplace.

In 2011, the number of children enrolled in elementary, middle schools and high schools nationally is 54,876,000, which included 38,716,000 in elementary schools and 16,160,000 in high schools.

Access to a great education is the best medicine for our nation's disparities in our economic system and social justice challenges.

A major reason for the Elementary and Secondary Education Act was the unanimous, landmark ruling of the United States Supreme Court in *Brown v. Board of Education*, in which the Supreme Court held that education "is a right which must be made available to all on equal terms."

A great education lifts all aspirations and opens doors of opportunity for every student in communities across the nation.

Today lifelong learning is an imperative for workers to remain current and viable in the employment market place.

A great education today yield benefits far into the future as it produces inventors, thinkers, artists, and leaders.

It is well past time to correct flaws in the "No Child Left Behind" law and focus on facilitating this growth and laying the foundation for student success.

According to a 2011 report by the Brookings Institution's Metropolitan Policy Program, "The Hidden STEM Economy," 26 million jobs, or 20 percent of all occupations, required knowledge in one or more STEM areas.

The same report stressed that fully half of all STEM jobs available to workers without a 4 year degree and these jobs pay on average \$53,000 a year, which is 10 percent higher than jobs with similar education requirements.

The economy is changing rapidly and our education system needs the guidance and support provided by H.R. 1177.

I urge all members to join with me in voting in support of H.R. 1177.

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

AN AMENDMENT TO H. RES. 542 OFFERED BY
MR. POLIS OF COLORADO

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

SEC. 3. 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. 1076) to increase public safety by permitting the Attorney General to deny the transfer of a firearm or the issuance of firearms or explosives licenses to a known or suspected dangerous terrorist. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. 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 the Judiciary. 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 recommit 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. 4. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 1076.

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 Repub-

lican 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.

Mr. BURGESS. 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 the adoption of the resolution, if ordered, and the motion to instruct on H.R. 644.

The vote was taken by electronic device, and there were—yeas 243, nays 177, not voting 13, as follows:

[Roll No. 653]

YEAS—243

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

Fincher	LaMalfa	Rogers (AL)	Lofgren	Pelosi	Sires	Johnson (OH)	Mulvaney	Sensenbrenner
Fitzpatrick	Lamborn	Rogers (KY)	Lowenthal	Perlmutter	Slaughter	Johnson, Sam	Murphy (PA)	Sessions
Fleischmann	Lance	Rohrabacher	Lowey	Peters	Smith (WA)	Jolly	Neugebauer	Shimkus
Fleming	Latta	Rokita	Lujan Grisham	Pingree	Swalwell (CA)	Jordan	Newhouse	Shuster
Flores	LoBiondo	Rooney (FL)	(NM)	Pocan	Takano	Joyce	Noem	Simpson
Forbes	Long	Ros-Lehtinen	Lujan, Ben Ray	Polis	Thompson (CA)	Katko	Nugent	Sinema
Fortenberry	Loudermilk	Roskam	(NM)	Price (NC)	Thompson (MS)	Kelly (MS)	Nunes	Smith (MO)
Fox	Love	Ross	Lynch	Quigley	Titus	Kelly (PA)	Olson	Smith (NE)
Franks (AZ)	Lucas	Rothfus	Maloney,	Rangel	Tonko	King (IA)	Palazzo	Smith (NJ)
Frelinghuysen	Luetkemeyer	Rouzer	Carolyn	Rice (NY)	Torres	King (NY)	Palmer	Smith (TX)
Garrett	Lummis	Royce	Maloney, Sean	Richmond	Tsongas	Kinzinger (IL)	Paulsen	Stefanik
Gibbs	MacArthur	Russell	Matsui	Roybal-Allard	Van Hollen	Kline	Pearce	Stewart
Gibson	Marchant	Salmon	McCollum	Ruiz	Vargas	Knight	Perry	Stivers
Gohmert	Marino	Sanford	McDermott	Rush	Veasey	Labrador	Pittenger	Stutzman
Goodlatte	Massie	Scalise	McGovern	Ryan (OH)	Vela	LaHood	Pitts	Thompson (PA)
Gosar	McCarthy	Schweikert	McNerney	Sánchez, Linda	Velázquez	LaMalfa	Poe (TX)	Thornberry
Gowdy	McCauley	Scott, Austin	Meng	T.	Visclosky	Lamborn	Poliquin	Tiberi
Granger	McClintock	Sensenbrenner	Moore	Sarbanes	Walz	Lance	Pompeo	Tipton
Graves (GA)	McHenry	Sessions	Moulton	Schakowsky	Wasserman	Latta	Posey	Trott
Graves (LA)	McKinley	Shimkus	Murphy (FL)	Schiff	Schultz	LoBiondo	Price, Tom	Trott
Graves (MO)	McMorris	Shuster	Napolitano	Schrader	Waters, Maxine	Long	Ratcliffe	Turner
Griffith	Rodgers	Simpson	Neal	Scott (VA)	Scott, David	Loudermilk	Reed	Turner
Grothman	McSally	Smith (MO)	Nolan	Scott, David	Serrano	Love	Reichert	Valadao
Guinta	Meadows	Smith (NE)	Norcross	Sewell (AL)	Welch	Lucas	Renacci	Wagner
Guthrie	Meehan	Smith (NJ)	O'Rourke	Sherman	Wilson (FL)	Luetkemeyer	Ribble	Walberg
Hanna	Messer	Smith (TX)	Pallone	Sinema	Yarmuth	Lummis	Rice (SC)	Walden
Hardy	Mica	Stefanik	Pascarell			MacArthur	Rigell	Walker
Harper	Miller (FL)	Stewart	Bucshon	Nadler	Takai	Marino	Roby	Walorski
Harris	Miller (MI)	Stivers	Cleaver	Payne	Webster (FL)	Massie	Roe (TN)	Walters, Mimi
Hartzer	Moolenaar	Stutzman	Cuellar	Ruppersberger	Williams	McCarthy	Rogers (AL)	Weber (TX)
Heck (NV)	Mooney (WV)	Thompson (PA)	Huffman	Sanchez, Loretta		McClintock	Rogers (KY)	Wenstrup
Hensarling	Mullin	Thornberry	Meeks	Speier		McHenry	Rohrabacher	Westerman
Herrera Beutler	Mulvaney	Tiberi				McKinley	Rokita	Westmoreland
Hice, Jody B.	Murphy (PA)	Tipton				McMorris	Rooney (FL)	Whitfield
Hill	Neugebauer	Trott				Rodgers	Ros-Lehtinen	Wilson (SC)
Holding	Newhouse	Turner				McSally	Roskam	Wittman
Hudson	Noem	Upton				Meadows	Ross	Womack
Huelskamp	Nugent	Valadao				Meehan	Rothfus	Woodall
Huizenga (MI)	Nunes	Wagner				Messer	Rouzer	Yoder
Hultgren	Olson	Walberg				Mica	Royce	Yoho
Hunter	Palazzo	Walden				Miller (FL)	Russell	Young (AK)
Hurd (TX)	Palmer	Walker				Miller (MI)	Salmon	Young (IA)
Hurt (VA)	Paulsen	Walorski				Moolenaar	Sanford	Young (IN)
Issa	Pearce	Walters, Mimi				Mooney (WV)	Scalise	Zeldin
Jenkins (KS)	Perry	Weber (TX)				Mullin	Schweikert	Zinke
Jenkins (WV)	Peterson	Wenstrup					Scott, Austin	
Johnson (OH)	Pittenger	Westerman						
Johnson, Sam	Pitts	Westmoreland						
Jolly	Poe (TX)	Whitfield						
Jones	Poliquin	Wilson (SC)						
Jordan	Pompeo	Wittman						
Joyce	Posey	Womack						
Katko	Price, Tom	Woodall						
Kelly (MS)	Ratcliffe	Yoder						
Kelly (PA)	Reed	Yoho						
King (IA)	Reichert	Young (AK)						
King (NY)	Renacci	Young (IA)						
Kinzinger (IL)	Ribble	Young (IN)						
Kline	Rice (SC)	Zeldin						
Kline	Rigell	Zinke						
Knight	Roby							
Labrador	Roe (TN)							
LaHood								

NOT VOTING—13

□ 1410

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

So the previous question was ordered.

The result of the vote was announced as above recorded.

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 is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 240, noes 181, not voting 12, as follows:

[Roll No. 654]

AYES—240

Adams	Cooper	Green, Gene	Abraham	Collins (NY)	Gibbs
Aguilar	Costa	Grijalva	Aderholt	Comstock	Gibson
Ashford	Courtney	Gutiérrez	Allen	Conaway	Gohmert
Bass	Crowley	Hahn	Amash	Cook	Goodlatte
Beatty	Cummings	Hastings	Amodei	Costello (PA)	Gosar
Becerra	Davis (CA)	Heck (WA)	Babin	Cramer	Gowdy
Bera	Davis, Danny	Higgins	Babin	Crawford	Granger
Beyer	DeFazio	Himes	Barr	Crenshaw	Graves (GA)
Bishop (GA)	DeGette	Hinojosa	Barton	Culberson	Graves (LA)
Blumenauer	Delaney	Honda	Benishek	Curbelo (FL)	Graves (MO)
Bonamici	DeLauro	Hoyer	Billrakis	Davis, Rodney	Griffith
Boyle, Brendan F.	DelBene	Israel	Bishop (UT)	Denham	Grothman
Brady (PA)	DeSaulnier	Jackson Lee	Blackburn	Dent	Guinta
Brown (FL)	Deutch	Jeffries	Blum	DeSantis	Guthrie
Brownley (CA)	Dingell	Johnson (GA)	Bost	DesJarlais	Hanna
Bustos	Doggett	Johnson, E. B.	Boustany	Diaz-Balart	Hardy
Butterfield	Doyle, Michael F.	Kaptur	Brady (TX)	Dold	Harper
Capps	Duckworth	Keating	Brat	Duffy	Harris
Capuano	Edwards	Kelly (IL)	Bridenstine	Duncan (SC)	Hartzer
Cárdenas	Ellison	Kennedy	Brooks (AL)	Duncan (TN)	Heck (NV)
Carney	Engel	Kildee	Brooks (IN)	Ellmers (NC)	Hensarling
Carson (IN)	Eshoo	Kilmer	Buchanan	Emmer (MN)	Herrera Beutler
Cartwright	Esty	Kind	Buck	Fincher	Hice, Jody B.
Castor (FL)	Farr	Kirkpatrick	Bucshon	Farenthold	Hill
Castro (TX)	Fattah	Kuster	Burgess	Fincher	Holding
Chu, Judy	Foster	Langevin	Byrne	Fitzpatrick	Hudson
Cicilline	Frankel (FL)	Larsen (WA)	Calvert	Fleischmann	Huelskamp
Clark (MA)	Fudge	Larsen (CT)	Carter (GA)	Fleming	Huizenga (MI)
Clarke (NY)	Gabbard	Lawrence	Carter (TX)	Flores	Hultgren
Clay	Gallagher	Lee	Chabot	Forbes	Hunter
Clyburn	Garamendi	Levin	Chaffetz	Fortenberry	Hurd (TX)
Cohen	Graham	Lewis	Clawson (FL)	Fox	Hurt (VA)
Connolly	Grayson	Lieu, Ted	Coffman	Franks (AZ)	Issa
Conyers	Green, Al	Lipinski	Cole	Frelinghuysen	Jenkins (KS)
		Loebsack	Collins (GA)	Garrett	Jenkins (WV)

NOES—181

Adams	Doggett	Lee
Aguilar	Doyle, Michael F.	Levin
Ashford		Lewis
Bass	Duckworth	Lieu, Ted
Beatty	Edwards	Lipinski
Becerra	Ellison	Loebsack
Bera	Engel	Lofgren
Beyer	Eshoo	Lowenthal
Bishop (GA)	Esty	Lowey
Blumenauer	Farr	Lujan Grisham
Bonamici	Fattah	(NM)
Boyle, Brendan F.	Foster	Lujan, Ben Ray
Brady (PA)	Frankel (FL)	(NM)
Brown (FL)	Fudge	Lynch
Brownley (CA)	Gabbard	Maloney,
Bustos	Gallagher	Carolyn
Butterfield	Garamendi	Maloney, Sean
Capps	Graham	Matsui
Capuano	Grayson	McDermott
Cárdenas	Green, Al	McGovern
Carney	Green, Gene	McNerney
Carson (IN)	Grijalva	Meng
Cartwright	Gutiérrez	Moore
Castor (FL)	Hahn	Moulton
Castro (TX)	Hastings	Murphy (FL)
Chu, Judy	Heck (WA)	Nadler
Cicilline	Higgins	Napolitano
Clark (MA)	Himes	Neal
Clarke (NY)	Hinojosa	Nolan
Clay	Honda	Norcross
Clyburn	Hoyer	O'Rourke
Cohen	Huffman	Pallone
Connolly	Israel	Pascarell
Conyers	Jackson Lee	Pelosi
Cooper	Jeffries	Perlmutter
Costa	Johnson (GA)	Peters
Courtney	Johnson, E. B.	Peterson
Crowley	Jones	Pingree
Cummings	Kaptur	Pocan
Davis (CA)	Keating	Polis
Davis, Danny	Kelly (IL)	Price (NC)
DeFazio	Kennedy	Quigley
DeGette	Kildee	Rangel
Delaney	Kilmer	Rice (NY)
DeLauro	Kind	Richmond
DelBene	Kirkpatrick	Roybal-Allard
DeSaulnier	Kuster	Ruiz
Deutch	Langevin	Rush
Dingell	Larsen (WA)	Ryan (OH)
	Larsen (CT)	Sánchez, Linda
	Lawrence	T.

Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Sires
Slaughter
Smith (WA)

NOT VOTING—12

Bishop (MI)
Black
Cuellar
Marchant

□ 1420

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.

MOTION TO INSTRUCT CONFEREES ON H.R. 644, TRADE FACILITATION AND TRADE ENFORCEMENT ACT OF 2015

The SPEAKER pro tempore. The unfinished business is the vote on the motion to instruct on the bill (H.R. 644) to reauthorize trade facilitation and trade enforcement functions and activities, and for other purposes, offered by the gentlewoman from New Hampshire (Ms. KUSTER) on which the yeas and nays were ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 193, nays 232, not voting 8, as follows:

[Roll No. 655]

YEAS—193

Adams
Aguilar
Ashford
Bass
Beatty
Becerra
Bera
Bishop (GA)
Blumenauer
Bonamici
Bost
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)
Clawson (FL)
Clay
Cleaver
Clyburn
Cohen
Collins (NY)
Connolly
Conyers

Vela
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

Abraham
Aderholt
Allen
Amash
Amodei
Babin
Barletta
Barr
Barton
Benishak
Beyer
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Griffith
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Hunter
Israel
Jackson Lee
Jeffries
Johnson (GA)
Jones
Kaptur
Katko
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
LoBiondo

Loebach
Lofgren
Lowenthal
Lowe
Lujan Grisham (NM)
Lujan, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McKinley
McNerney
Meng
Mooney (WV)
Moore
Moulton
Murphy (FL)
Murphy (PA)
Nadler
Napolitano
Neal
Nolan
Norcross

NAYS—232

Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Grijalva
Grothman
Guinta
Guthrie
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Herrera Beutler
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jolly
Jordan
Joyce
Kelly (MS)
Kelly (PA)
Kind
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCauley
McClintock
McHenry
McMorris
Rodgers

Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden

NOT VOTING—8

Cuellar
Meeks
Payne

Ruppersberger
Sanchez, Loretta
Takai

□ 1430

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. FLEISCHMANN). Without objection, the Chair appoints the following conferees on H.R. 644:

Messrs. BRADY of Texas, REICHERT, TIBERI, LEVIN, and Ms. LINDA T. SÁNCHEZ of California.

There was no objection.

CONFERENCE REPORT ON S. 1177, STUDENT SUCCESS ACT

Mr. KLINE. Mr. Speaker, pursuant to House Resolution 542, I call up the conference report on the bill (S. 1177) to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 542, the conference report is considered read.

(For conference report and statement, see proceedings of the House of November 30, 2015, at page H8444.)

The SPEAKER pro tempore. Pursuant to House Resolution 542, the gentleman from Minnesota (Mr. KLINE) and the gentleman from Virginia (Mr. SCOTT) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota.

GENERAL LEAVE

Mr. KLINE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the conference report to accompany S. 1177.

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

There was no objection.

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

I rise today in strong support of the conference report to accompany S. 1177, to be known as the Every Student Succeeds Act.

After years of congressional delay and executive overreach, Congress is finally replacing No Child Left Behind. More importantly, we are replacing the old approach to education with a new approach that will help every child in