

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

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

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

At the end of the resolution, add the following:

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

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

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

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate

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

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

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

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

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### FURTHER MESSAGE FROM THE SENATE

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

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

#### GENERAL LEAVE

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

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

There was no objection.

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

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

The Clerk read the title of the bill.

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

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

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

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

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

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

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

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

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

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

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