91 percent of that time they are at home and out in their communities. We know that for many of these children, the infrastructure, the support system that is needed to instill the kinds of values that we have talked about on the floor today have to come from home and in those communities. That is where I believe, and I think many Members believe, that if we are truly going to attack the problems we see in inner-city America, it is programs like these that find a way to teach children, one, how to play golf, but more importantly the kind of values that are necessary in order to be successful in life.

Mr. Speaker, I want to thank my colleagues who have spoken on this bill today, this resolution, and urge all of my colleagues to support the resolution.

Mr. CRENSHAW. Mr. Speaker, sports have been traditional vehicles for teaching important life lessons, but today, sport, at its highest levels, is played in an atmosphere where we have a preponderance of athletes who deny they have responsibility to be role models, let alone idols of the young.

There is, however, a sport that not only continues to teach positive live lessons, but also depends on an adherence to them for its very existence. That sport, of course, is golf.

For that reason, I rise today in support of the efforts of the First Tee initiative. This 2-year old program has as its mission to impact the lives of young people around the world by creating affordable and accessible golf facilities to primarily serve those who have not previously had exposure to the game and its positive values. The core values this program strives to instill are confidence, courtesy, honesty, integrity, judgment, perseverance, respect, responsibility, and sportsmanship. Further, while these kids are learning these important life management skills and enjoying the outdoors, they are not engaged in mischievous, delinquent activities.

On August 27, 2000, with 129 facilities in development in 38 states and 1 in Canada, First Tee surpassed their initial goal of having 100 golf-learning facilities in development. Since that time, the First Tee has redefined its goals for the long term by pledging to impact the lives of 500,000 youth by 2005. The program is overseen and has the active support of a committee comprised of members representing the Ladies Professional Golf Association, PGA of America, PGA TOUR, United States Golf Association and the Augusta National Golf Club. In addition, former President George Bush serves as Honorary Chairman.

Mr. Speaker, First Tee will not only have a positive impact on our society today, but will for years to come.

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

□ 1400

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Ohio (Mr. BOEHNER) that the House suspend the rules and agree to the resolution, H. Res. 448.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

FED UP HIGHER EDUCATION TECHNICAL AMENDMENTS OF 2002

Mr. BOEHNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4866) to make technical amendments to the Higher Education Act of 1965 incorporating the results of the Fed Up Initiative, as amended.

The Clerk read as follows:

H.R. 4866

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCE; EFFECTIVE DATE.

(a) SHORT TITLE.—This Act may be cited as the ''Fed Up Higher Education Technical Amendments of 2002''.

(b) REFERENCE.—Except as otherwise expressly provided in this Act, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

(c) EFFECTIVE DATE.—Except as otherwise provided in this Act, the amendments made by this Act shall take effect on the date of enactment of this Act.

SEC. 2. TECHNICAL AMENDMENTS.

(a) AMENDMENTS TO TITLE I.—

(1) Section 101(a)(1) (20 U.S.C. 1001(a)(1)) is amended by inserting before the semicolon at the end the following: '', or students who meet the requirements of section 484(d)(3)''.

(2)(A) Section 102(a)(2)(A) (20 U.S.C. 1002(a)(2)(A)) is amended to read as follows:

''(A) IN GENERAL.—For the purpose of qualifying as an institution under paragraph (1)(C), the Secretary shall establish criteria by regulation for the approval of institutions outside the United States and for the determination that such institutions are comparable to an institution of higher education as defined in section 101 (except that a graduate medical school, or a veterinary school, located outside the United States shall not be required to meet the requirements of section 101(a)(4)). Such criteria shall include a requirement that a student attending such school outside the United States is ineligible for loans made, insured, or guaranteed under part B of title IV unless—

''(i) in the case of a graduate medical school located outside the United States—

''(I)(aa) at least 60 percent of those enrolled in, and at least 60 percent of the graduates of, the graduate medical school outside the United States were not persons described in section 484(a)(5) in the year preceding the year for which a student is seeking a loan under part B of title IV; and

''(bb) at least 60 percent of the individuals who were students or graduates of the graduate medical school outside the United States or Canada (both nationals of the United States and others) taking the examinations administered by the Educational Commission for Foreign Medical Graduates received a passing score in the year preceding the year for which a student is seeking a loan under part B of title IV; or

''(II) the institution has a clinical training program that was approved by a State as of January 1, 1992; or

''(ii) in the case of a veterinary school located outside the United States that does not meet the requirements of section 101(a)(4)—

''(I) the institution was certified by the Secretary as eligible to participate in the loan program under part B of title IV before October 1, 1999; and

''(II) the institution's students complete their clinical training at an approved veterinary school located in the United States.''.

(B) The amendment made by subparagraph (A) shall be effective on and after October 1, 1998.

(3) Section 102(a)(3)(A) (20 U.S.C. 1002(a)(3)(A)) is amended by striking ''section 521(4)(C) of the Carl D. Perkins Vocational and Applied Technology Education Act'' and inserting ''section 3(3)(C) of the Carl D. Perkins Vocational and Technical Education Act of 1998''.

(4) Paragraph (7) of section 103 (20 U.S.C. 1003) is amended to read as follows:

''(7) NEW BORROWER.—The term 'new borrower' when used with respect to any date for any loan under any provision of—

''(A) part B or part D of title IV means an individual who on that date has no outstanding balance of principal or interest owing on any loan made, insured, or guaranteed under either such part; and

''(B) part E of title IV means an individual who on that date has no outstanding balance of principal or interest owing on any loan made under such part.''.

(5) Section 131 (20 U.S.C. 1015) is amended—

(A) in subsection (a)(3)(A)(iii)—

(i) by striking ''an undergraduate'' and inserting ''a full-time undergraduate''; and

(ii) in subclause (I), by striking ''section 428(a)(2)(C)(i)'' and inserting ''section 428(a)(2)(C)(ii)'';

(B) in subsection (b), by striking ''the costs for typical'' and inserting ''the prices for, and financial aid provided to, typical'';

(C) in subsection (c)(2)(B), by striking ''costs'' and inserting ''prices''; and

(D) in subsection (d)(1) is amended by striking ''3 years'' and inserting ''4 years''.

(6) Section 141 (20 U.S.C. 1018) is amended—

(A) in subsection (a)(2)(B)—

(i) by inserting ''unit'' after ''to reduce the''; and

(ii) by inserting ''and, to the extent practicable, total costs of administering those programs'' after ''those programs'';

(B) in subsection (c)—

(i) in paragraph (1)(A), by striking ''Each year'' and inserting ''Each fiscal year'';

(ii) in paragraph (1)(B), by inserting ''secondary markets, guaranty agencies,'' after ''lenders,''; and

(iii) in paragraph (2)(B), by striking ''Chief Financial Officer Act of 1990 and'' and inserting ''Chief Financial Officers Act of 1990,'' and by inserting before the period at the end the following: '', and other relevant statutes'';

(C) in subsection (f)(3)(A), by striking ''paragraph (1)(A)'' and inserting ''paragraph (1)''; and

(D) in subsection (g)(3), by adding at the end the following new sentence: ''The names and compensation for those individuals shall be included in the annual report under subsection (c)(2).''.

(b) AMENDMENTS TO TITLE II.—Section 207(f)(2) (20 U.S.C. 1027(f)(2)) is amended by inserting '', including by electronic means,'' after ''sent''.

(c) AMENDMENTS TO TITLE III.—

(1) Section 316(b)(3) (20 U.S.C. 1059c(b)(3)) is amended by striking ''give'' and inserting ''given''.

(2) Section 326(e)(1) (20 U.S.C. 1063b(e)(1)) is amended, in the matter preceding subparagraph (A), by inserting a colon after ''the following''.

(3) Section 342(5)(C) (20 U.S.C. 1066a(5)(C)) is amended—

(A) by inserting a comma after ''equipment'' the first place it appears; and

(B) by striking ''technology,,'' and inserting ''technology,''.

(4) Section 343(e) (20 U.S.C. 1066b(e)) is amended by inserting after the subsection designation the following: ''SALE OF QUALIFIED BONDS.—''.

(5) Section 351(a) (20 U.S.C. 1067a(a)) is amended by striking ''of 1979''.

(6) Section 1024 (20 U.S.C. 1135b–3), as transferred by section 301(a)(5) of the Higher Education Amendments of 1998 (Public Law 105–244; 112 Stat. 1636), is repealed.

(d) AMENDMENTS TO PART A OF TITLE IV.—

(1) Section 402A (20 U.S.C. 1070a-11) is amended—

(A) in subsection (e)—

(i) in paragraph (1), by striking ''(g)(2)'' and inserting ''(g)(4)''; and

(ii) in paragraph (2), by striking ''(g)(2)'' and inserting ''(g)(4)''; and

(B) in subsection (g)—

(i) by redesignating paragraphs (1) through (4) as paragraphs (3) through (6), respectively; and

(ii) by inserting before paragraph (3), as redesignated, the following:

''(1) DIFFERENT CAMPUS.—The term 'different campus' means an institutional site that—

''(A) is geographically apart from the main campus of the institution;

''(B) is permanent in nature; and

''(C) offers courses in educational programs leading to a degree, certificate, or other recognized educational credential.

''(2) DIFFERENT POPULATION.—The term 'different population' means a group of individuals, with respect to whom an entity seeks to serve through an application for funding under this chapter, that is—

''(A) separate and distinct from any other population that the entity seeks to serve through an application for funding under this chapter; or

''(B) while sharing some of the same characteristics as another population that the entity seeks to serve through an application for funding under this chapter, has distinct needs for specialized services.''.

(2)(A) Section 404A(b) (20 U.S.C. 1070a–21(b)) is amended by adding at the end thereof the following new paragraph:

''(3) DURATION.—An award made by the Secretary under this chapter to an eligible entity described in paragraph (1) or (2) of subsection (c) shall be for the period of 6 years.''.

(B) The amendment made by subparagraph (A) shall apply to awards made either before or after the date of enactment of this Act.

(3) Section 407E (20 U.S.C. 1070a–35) is redesignated as section 406E.

(4) Section 419C(b)(1) (20 U.S.C. 1070d–33(b)(1)) is amended by inserting ''and'' after the semicolon at the end thereof.

(5) Section 419D(d) (20 U.S.C. 1070d–34(d)) is amended by striking ''Public Law 95–1134'' and inserting ''Public Law 95–134''.

(e) AMENDMENTS TO PART B OF TITLE IV.—

(1) Section 428(a)(2)(A) (20 U.S.C. 1078(a)(2)(A)) is amended—

(A) by striking ''and'' at the end of subclause (II) of clause (i); and

(B) by moving the margin of clause (iii) two ems to the left.

(2) Section 428(b)(1)(G) (20 U.S.C. 1078(b)(1)(G)) is amended by inserting before the semicolon at the end the following: ''and 100 percent of the unpaid principal amount of exempt claims as defined in subsection (c)(1)(G)''.

(3) Section 428(c) (20 U.S.C. 1078(c)) is amended—

(A) in paragraph (1)—

(i) by redesignating subparagraph (G) as subparagraph (H), and moving such subparagraph 2 em spaces to the left; and

(ii) by inserting after subparagraph (F) the following new subparagraph:

''(G)(i) Notwithstanding any other provisions of this section, in the case of exempt claims, the Secretary shall apply the provisions of—

''(I) the fourth sentence of subparagraph (A) by substituting '100 percent' for '95 percent';

''(II) subparagraph (B)(i) by substituting '100 percent' for '85 percent'; and

''(III) subparagraph (B)(ii) by substituting '100 percent' for '75 percent'.

''(ii) For purposes of clause (i) of this subparagraph, the term 'exempt claims' means claims with respect to loans for which it is determined that the borrower (or the student on whose behalf a parent has borrowed), without the lender's or the institution's knowledge at the time the loan was made, provided false or erroneous information or took actions that caused the borrower or the student to be ineligible for all or a portion of the loan or for interest benefits thereon.''.

(B) in paragraph (3)(A)(i), by striking ''in writing''; and

(C) by adding at the end the following new paragraph:

''(10) DOCUMENTATION OF FORBEARANCE AGREEMENTS.—For the purposes of paragraph (3), the terms of forbearance agreed to by the parties shall be documented by confirming the agreement of the borrower by notice from the lender, and by recording the terms in the borrower's file.''.

(4) Section 428C(a)(3)(B) (20 U.S.C. 1078–3(a)(3)(B)) is amended by adding at the end the following new clause:

''(ii) Loans made under this section shall, to the extent used to discharge loans made under this title, be counted against the applicable limitations on aggregate indebtedness contained in sections 425(a)(2), 428(b)(1)(B), 428H(d), 455, and 464(a)(2)(B).''.

(5) Section 428H(e) (20 U.S.C. 1078–8(e)) is amended—

(A) by striking paragraph (6); and

(B) by redesignating paragraph (7) as paragraph (6).

(6) Section 428I(g) (20 U.S.C. 1078–9(g)) is amended by striking ''Code,'' and inserting ''Code''.

(7) Section 432(m)(1)(B) (20 U.S.C. 1082(m)(1)(B)) is amended—

(A) in clause (i), by inserting ''and'' after the semicolon at the end; and

(B) in clause (ii), by striking ''; and'' and inserting a period.

(8) Section 439(d) (20 U.S.C. 1087–2(d)) is amended—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(f) AMENDMENT TO PART D.—Section 457(a)(1) (20 U.S.C. 1087g(a)(1)) is amended by striking ''431'' and inserting ''437''.

(g) AMENDMENTS TO PART E OF TITLE IV.—

(1) Section 462(g)(1)(E)(i)(I) (20 U.S.C. 1087bb(g)(1)(E)(i)(I)) is amended by inserting ''monthly'' after ''consecutive''.

(2) Section 464(c)(1)(D) (20 U.S.C. 1087dd(c)(1)(D)) is amended by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively.

(3) Section 464(h)(1)(A) is amended—

(A) by inserting '', if practicable (as determined in accordance with regulations of the Secretary),'' after ''the loan shall''; and

(B) by inserting '', if such loan is considered rehabilitated,'' after ''the Secretary) shall''.

(4) Section 465(a)(2) (20 U.S.C. 1087ee(a)(2)) is amended—

(A) in subparagraph (A), by striking ''section 111(c)'' and inserting ''section 1113(a)(5)''; and

(B) in subparagraph (C), by striking ''With Disabilities'' and inserting ''with Disabilities''.

(5) Section 467(b) (20 U.S.C. 1087gg(b)) is amended by striking ''(5)(A), (5)(B)(i), or (6)'' and inserting ''(4)(A), (4)(B), or (5)''.

(6) Section 469(c) (20 U.S.C. 1087ii(c)) is amended—

(A) by striking ''sections 602(a)(1) and 672(1)'' and inserting ''sections 602(3) and 632(5)'';

(B) by striking ''qualified professional provider of early intervention services'' and inserting ''early intervention services''; and

(C) by striking ''section 672(2)'' and inserting ''section 632(4)''.

(h) AMENDMENTS TO PART F OF TITLE IV.—

(1) Section 478(h) (20 U.S.C. 1087rr(h)) is amended—

(A) by striking ''476(b)(4)(B),''; and

(B) by striking ''meals away from home, apparel and upkeep, transportation, and housekeeping services'' and inserting ''food away from home, apparel, transportation, and household furnishings and operations''.

(2) Section 479A(a) (20 U.S.C. 1087tt(a)) is amended—

(A) by striking ''(a) IN GENERAL.—'' and inserting the following:

''(a) AUTHORITY TO MAKE ADJUSTMENTS.—

''(1) ADJUSTMENTS FOR SPECIAL CIRCUMSTANCES.—'';

(B) by inserting before ''Special circumstances may'' the following:

''(2) SPECIAL CIRCUMSTANCES DEFINED.—'';

(C) by inserting ''a student's status as a ward of the court at any time prior to attaining 18 years of age,'' after ''487,''.

(D) by inserting before ''Adequate documentation'' the following:

''(3) DOCUMENTATION AND USE OF SUPPLEMENTARY INFORMATION.—''; and

(E) by inserting before ''No student'' the following:

''(4) FEES FOR SUPPLEMENTARY INFORMATION PROHIBITED.—''.

(i) AMENDMENTS TO PARTS G AND H OF TITLE IV.—

(1) Section 483(d) (20 U.S.C. 1090(d)) is amended by striking ''that is authorized under section 685(d)(2)(C)'' and inserting '', or other appropriate provider of technical assistance and information on postsecondary educational services, that is supported under section 685''.

(2) Section 484 (20 U.S.C. 1091) is amended—

(A) in subsection (a)(4), by striking ''certification,,'' and inserting ''certification,'';

(B) in subsection (b)(2)—

(i) in the matter preceding subparagraph (A), by striking ''section 428A'' and inserting ''section 428H'';

(ii) in subparagraph (A), by inserting ''and'' after the semicolon at the end thereof;

(iii) in subparagraph (B), by striking ''; and'' and inserting a period; and

(iv) by striking subparagraph (C); and

(C) in subsection (l)(1)(B)(i), by striking ''section 521(4)(C) of the Carl D. Perkins Vocational and Applied Technology Education Act'' and inserting ''section 3(3)(C) of the Carl D. Perkins Vocational and Technical Education Act of 1998''.

(3)(A) Section 484B (20 U.S.C. 1091b) is amended—

(i) in subsection (a)(1), by inserting ''subpart 4 of part A or'' after ''received under'';

(ii) in subsection (a)(3)(B)(ii), by inserting ''(as determined in accordance with subsection (d))'' after ''student has completed'';

(iii) in subsection (b)(2), by amending subparagraph (C) to read as follows:

''(C) GRANT OVERPAYMENT REQUIREMENTS.—Notwithstanding subparagraphs (A) and (B), a student shall only be required to return grant assistance in the amount (if any) by which—

''(i) the amount to be returned by the student (as determined under subparagraphs (A) and (B)), exceeds

''(ii) 50 percent of the total grant assistance received by the student under this title for the payment period or period of enrollment.

A student shall not be required to return amounts of $50 or less.''; and

(iv) in subsection (d), by striking ''(a)(3)(B)(i)'' and inserting ''(a)(3)(B)''.

(B) The amendments made by subparagraph (A) shall be effective for academic years beginning on or after July 1, 2003, except that, in the case of an institution of higher education that chooses to implement such amendments prior to that date, such amendments shall be effective on the date of such institution's implementation.

(4) Section 485(a)(1) (20 U.S.C. 1092(a)(1)) is amended by striking ''mailings, and'' and inserting ''mailings, or''.

(5) Section 485B(a) (20 U.S.C. 1092b(a)) is amended—

(A) by redesignating paragraphs (6) through (10) as paragraphs (7) through (11), respectively;

(B) by redesignating the paragraph (5) (as added by section 2008 of Public Law 101–239) as paragraph (6); and

(C) in paragraph (5) (as added by section 204(3) of the National Community Service Act of 1990 (Public Law 101–610))—

(i) by striking ''(22 U.S.C. 2501 et seq.)),'' and inserting ''(22 U.S.C. 2501 et seq.),''; and

(ii) by striking the period at the end thereof and inserting a semicolon.

(6) Section 487(a) (20 U.S.C. 1094(a)) is amended—

(A) in paragraph (22), by striking ''refund policy'' and inserting ''policy on the return of title IV funds''; and

(B) in paragraph (23)—

(i) by moving subparagraph (C) two em spaces to the left; and

(ii) by adding after such subparagraph the following new subparagraph:

''(D) An institution shall be considered in compliance with the requirements of subparagraph (A) for any student to whom the institution electronically transmits a message containing a voter registration form acceptable for use in the State in which the institution is located, or an Internet address where such a form can be downloaded, provided such information is in an electronic message devoted to voter registration.''.

(7) Section 491(c) (20 U.S.C. 1098(c)) is amended by adding at the end the following new paragraph:

''(3) The appointment of members under subparagraphs (A) and (B) of paragraph (1) shall be effective upon publication of the appointment in the Congressional Record.''.

(8) Section 493A (20 U.S.C. 1098c) is repealed.

(9) Section 498 (20 U.S.C. 1099c) is amended—

(A) in subsection (c)(2), by striking ''for profit,'' and inserting ''for-profit,'';

(B) in subsection (d)(1)(B), by inserting ''and'' at the end thereof.

(j) AMENDMENTS TO TITLE V.—Section 504(a) (20 U.S.C. 1101c(a)) is amended—

(1) by striking the following:

''(a) AWARD PERIOD.—

''(1) IN GENERAL.—The Secretary''

and inserting the following:

''(a) AWARD PERIOD.—The Secretary''; and

(2) by striking paragraph (2).

(k) AMENDMENTS TO TITLE VII.—

(1) Section 714(c) (20 U.S.C. 1135c(c)) is amended—

(A) by striking ''section 716(a)'' and inserting ''section 715(a)''; and

(B) by striking ''section 714(b)(2)'' and inserting ''section 713(b)(2)''.

(2) Section 721(c) (20 U.S.C. 1136(c)) is amended—

(A) by striking ''and'' at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

''(6) to assist such students with the development of analytical skills and study methods to enhance their success in entry into and completion of law school; and

''(7) to award Thurgood Marshall Fellowships to eligible law school students—

''(A) who participated in summer institutes authorized by subsection (d) and who are enrolled in an accredited law school; or

''(B) who are eligible law school students who have successfully completed a comparable summer institute program certified by the Council on Legal Educational Opportunity.''.

SEC. 3. CLERICAL AMENDMENTS.

(a) DEFINITION.—Section 103 (20 U.S.C. 1003), as amended by section 2(a)(4), is further amended—

(1) by redesignating paragraphs (1) through (16) as paragraphs (2) through (17), respectively; and

(2) by inserting before paragraph (2) (as so redesignated) the following new paragraph:

''(1) AUTHORIZING COMMITTEES.—The term 'authorizing committees' means the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives.''.

(b) COMMITTEES.—

(1) The following provisions are each amended by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees'':

(A) Section 131(a)(3)(B) (20 U.S.C. 1015(a)(3)(B)).

(B) Section 131(c)(4) (20 U.S.C. 1015(c)(4)).

(C) Section 206(d) (20 U.S.C. 1026(d)).

(D) Section 207(c)(1) (20 U.S.C. 1027(c)(1)).

(E) Section 428(g) (20 U.S.C. 1078(g)).

(F) Section 428A(a)(4) (20 U.S.C. 1078–1(a)(4)).

(G) Section 428A(c)(2) (20 U.S.C. 1078–1(c)(2)).

(H) Section 428A(c)(3) (20 U.S.C. 1078–1(c)(3)).

(I) Section 428A(c)(5) (20 U.S.C. 1078–1(c)(5)).

(J) Section 455(b)(8)(B) (20 U.S.C. 1087e(b)(8)(B)).

(K) Section 483(c) (20 U.S.C. 1090(c)).

(L) Section 486(e) (20 U.S.C. 1093(e)).

(M) Section 486(f)(3)(A) (20 U.S.C. 1093(f)(3)(A)).

(N) Section 486(f)(3)(B) (20 U.S.C. 1093(f)(3)(B)).

(O) Section 487A(a)(5) (20 U.S.C. 1094a(a)(5)).

(P) Section 487A(b)(2) (20 U.S.C. 1094a(b)(2)).

(Q) Section 487A(b)(3)(B) (20 U.S.C. 1094a(b)(3)(B)).

(R) Section 498B(d)(1) (20 U.S.C. 1099c–2(d)(1)).

(S) Section 498B(d)(2) (20 U.S.C. 1099c–2(d)(2)).

(2) The following provisions are each amended by striking ''Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate'' and inserting ''authorizing committees''.

(A) Section 141(d)(4)(B) (20 U.S.C. 1018(d)(4)(B)).

(B) Section 428(n)(4) (20 U.S.C. 1078(n)(4)).

(C) The last sentence of section 432(n) (20 U.S.C. 1082(n)).

(D) Section 485(f)(5)(A) (20 U.S.C. 1092(f)(5)(A)).

(E) Section 485(g)(4)(B) (20 U.S.C. 1092(g)(4)(B)).

(3) Section 206(a) (20 U.S.C. 1026(a)) is amended by striking '', the Committee on Labor and Human Resources of the Senate, and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''and the authorizing committees''.

(4) Section 401(f)(3) (20 U.S.C. 1070a(f)(3)) is amended by striking ''Committee on Appropriations and the Committee on Labor and Human Resources of the Senate and the Committee on Appropriations and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''Committees on Appropriations of the Senate and House of Representatives and the authorizing committees''.

(5) Section 428(c)(9)(K) (20 U.S.C. 1078(c)(9)(K)) is amended by striking ''House Committee on Education and the Workforce and the Senate Committee on Labor and Human Resources'' and inserting ''authorizing committees''.

(6) Section 428I(h) (20 U.S.C. 1078–9(h)) is amended by striking ''Chairman of the Senate Labor and Human Resources Committee and the House Committee on Education and Labor'' and inserting ''chairpersons of the authorizing committees''.

(7) Section 432(f)(1)(C) (20 U.S.C. 1082(f)(1)(C)) is amended by striking ''Committee on Education and the Workforce of the House of Representatives or the Committee on Labor and Human Resources of the Senate'' and inserting ''either of the authorizing committees''.

(8) Section 439(d)(1)(E)(iii) (20 U.S.C. 1087–2(d)(1)(E)(iii)) is amended by striking ''Chairman and the Ranking Member on the Committee on Labor and Human Resources of the Senate and the Chairman and the Ranking Member of the Committee on Education and Labor of the House of Representatives'' and inserting ''chairpersons and ranking minority members of the authorizing committees''.

(9) Paragraphs (3) and (8)(C) of section 439(r) (20 U.S.C. 1087–2(r)) are each amended by striking ''Chairman and ranking minority member of the Committee on Labor and Human Resources of the Senate, the Chairman and ranking minority member of the Committee on Education and Labor of the House of Representatives,'' and inserting ''chairpersons and ranking minority members of the authorizing committees''.

(10) Paragraphs (5)(B) and (10) of section 439(r) (20 U.S.C. 1087–2(r)) are each amended by striking ''Chairman and ranking minority member of the Senate Committee on Labor and Human Resources and to the Chairman and ranking minority member of the House Committee on Education and Labor'' and inserting ''chairpersons and ranking minority members of the authorizing committees''.

(11) Section 439(r)(6)(B) (20 U.S.C. 1087–2(r)(6)(B)) is amended by striking ''Chairman and ranking minority member of the Committee on Labor and Human Resources of the Senate and to the Chairman and ranking minority member of the Committee on Education and Labor of the House of Representatives'' and inserting ''chairpersons and ranking minority members of the authorizing committees''.

(12) Section 439(s)(2)(A) (20 U.S.C. 1087–2(s)(2)(A)) is amended by striking ''Chairman and Ranking Member of the Committee on Labor and Human Resources of the Senate and the Chairman and Ranking Member of the Committee on Economic and Educational Opportunities of the House of Representatives'' and inserting ''chairpersons and ranking minority members of the authorizing committees''.

(13) Section 439(s)(2)(B) (20 U.S.C. 1087–2(s)(2)(B)) is amended by striking ''Chairman and Ranking Minority Member of the Committee on Labor and Human Resources of the Senate and Chairman and Ranking Minority

Member of the Committee on Economic and Educational Opportunities of the House of Representatives'' and inserting ''chairpersons and ranking minority members of the authorizing committees''.

(14) Section 482(d) (20 U.S.C. 1089(d)) is amended by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives'' and inserting ''authorizing committees''.

(c) ADDITIONAL CLERICAL AMENDMENTS.—

(1) Clauses (i) and (ii) of section 425(a)(2)(A) (20 U.S.C. 1075(a)(2)(A)) are each amended by striking ''428A or 428B'' and inserting ''428B or 428H''.

(2) Section 428(a)(2)(E) (20 U.S.C. 1078(a)(2)(E)) is amended by striking ''428A or''.

(3) Clauses (i) and (ii) of section 428(b)(1)(B) (20 U.S.C. 1078(b)(1)(B)) are each amended by striking ''428A or 428B'' and inserting ''428B or 428H''.

(4) Section 428(b)(1)(Q) (20 U.S.C. 1078(b)(1)(Q)) is amended by striking ''sections 428A and 428B'' and inserting ''section 428B or 428H''.

(5) Section 428(b)(7)(C) (20 U.S.C. 1078(b)(7)(C)) is amended by striking ''428A, 428B,'' and inserting ''428B''.

(6) Section 428G(c)(2) (20 U.S.C. 1078–7(c)(2)) is amended by striking ''428A'' and inserting ''428H''.

(7) The heading for section 433(e) (20 U.S.C. 1083(e)) is amended by striking ''SLS LOANS AND''.

(8) Section 433(e) (20 U.S.C. 1083(e)) is amended by striking ''428A, 428B,'' and inserting ''428B''.

(9) Section 435(a)(3) (20 U.S.C. 1085(a)(3)) is amended—

(A) by inserting ''or'' at the end of subparagraph (A);

(B) by striking subparagraph (B); and

(C) by redesignating subparagraph (C) as subparagraph (B).

(10) Section 435(d)(1)(G) (20 U.S.C. 1085(d)(1)(G)) is amended by striking ''428A(d), 428B(d), 428C,'' and inserting ''428B(d), 428C, 428H,''.

(11) Section 435(m) (20 U.S.C. 1085(m)) is amended—

(A) in paragraph (1)(A), by striking '', 428A,''; and

(B) in paragraph (2)(D), by striking ''428A'' each place it appears and inserting ''428H''.

(12) Section 438(c)(6) (20 U.S.C. 1087–1(c)(6)) is amended—

(A) by striking ''SLS AND PLUS'' in the heading and inserting ''PLUS''; and

(B) by striking ''428A or''.

(13) Section 438(c)(7) (20 U.S.C. 1087–1(c)(7)) is amended by striking ''428A or''.

(14) Nothing in the amendments made by this subsection shall be construed to alter the terms, conditions, and benefits applicable to Federal supplemental loans for students (''SLS loans'') under section 428A as in effect prior to July 1, 1994 (20 U.S.C. 1078–1).

(d) HIGHER EDUCATION AMENDMENTS OF 1998.—

(1) Section 801(d) of the Higher Education Amendments of 1998 (20 U.S.C. 1018 note) is amended by striking ''Committee on Education and the Workforce of the House of Representatives, the Committee on Labor and Human Resources of the Senate,'' and inserting ''authorizing committees''.

(2) Section 802(b) of the Higher Education Amendments of 1998 is amended by striking ''Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate'' and inserting ''authorizing committees''.

(3) The following provisions of the Higher Education Amendments of 1998 are each amended by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees''.

(A) Section 803(b) (20 U.S.C. 1015 note).

(B) Section 805(b) (20 U.S.C. 1001 note).

(C) Section 806(c).

(4) Section 804(b) of the Higher Education Amendments of 1998 (20 U.S.C. 1099b note) is amended by striking ''Chairman and Ranking Minority Member of the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate'' and inserting ''chairpersons and ranking minority members of the authorizing committees''.

(5) Section 861(b) of the Higher Education Amendments of 1998 is amended by striking ''Committees on Ways and Means and on Education and the Workforce of the House of Representatives and the Committees on Finance and on Labor and Human Resources of the Senate'' and inserting ''Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, and the authorizing committees''.

SEC. 4. NO DELAY IN IMPLEMENTATION.

Sections 482(c) and 492 of the Higher Education Act of 1965 (20 U.S.C. 1089(c), 1098a) shall not apply to the regulations implementing the amendments made by this Act.

SEC. 5. STUDY OF TEACHER PREPARATION.

Within six months after the date of enactment of this Act, the Comptroller General shall conduct a study of and submit to Congress a report on—

(1) which States and which institutions of higher education require passage on State teacher licensure exams in order for candidates to be admitted to a teacher preparation program or to declare an education major;

(2) which States and which institutions of higher education award diplomas, degrees, or other certificates to students in any subject area, but subsequently only consider them to have successfully completed a teacher preparation or other education program if they pass one or more State licensure exams;

(3) which States and which institutions of higher education award diplomas, degrees, or other certificates to students in education or teaching, but subsequently only consider them to have successfully completed a teacher preparation or education program if they pass one or more State licensure exams;

(4) the extent to which States and institutions of higher education, through means other than (1), (2), or (3), are, for the purposes of section 207(f)(1)(A) of the Higher Education Act of 1965 (20 U.S.C. 1027(f)(1)(A)), treating as completing their teacher preparation programs only those students who pass State teacher licensure or certification assessments;

(5) the extent to which the practices described in paragraphs (1) through (4) may mislead or incompletely inform students and policymakers concerning the quality of such teacher preparation programs; and

(6) what assistance, if any, the States or institutions described in paragraphs (1) through (4) give to enrolled students and graduates who take but do not pass one or more teacher licensing exams.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. BOEHNER) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BOEHNER).

GENERAL LEAVE

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4866.

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

There was no objection.

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

I rise in support of H.R. 4866, the Fed Up Higher Education Technical Amendments of 2002. The bill provides for technical amendments to the Higher Education Act.

This bill has had bipartisan support throughout its process. The development of the bill was done in an open, fully cooperative manner with my friends on the other side of the aisle. The foundation of this bill has been the FED UP process put forward by the gentleman from California (Mr. MCKEON) and the gentlewoman from Hawaii (Mrs. MINK) just about a year ago whereby student aid and higher education officials across the country had an opportunity to provide proposals on how to improve the programs in the Higher Education Act while maintaining the integrity of the student loan programs.

Everyone in the higher education community has enthusiastically supported the FED UP process, and this bill is intended to address the noncontroversial, budget-neutral changes to the Higher Education Act that will assist in reducing red tape.

It also clears the decks of clerical and technical problems within the act that set the stage for the committee to begin the reauthorization process next year.

The Secretary of Education and his staff were also enthusiastic partners in this process. He initiated a negotiated rulemaking process with the higher education community to address those proposals submitted via the FED UP Web site that were purely regulatory in nature. In a few short months, the negotiations were completed, and we expect the regulations will soon be released in draft form.

From its earliest stages this has been a collaborative and open process with no preconceived agenda, and when this bill was drafted, great care was given to ensure no amendments were made to current law without full agreement of Members of both sides of the aisle.

This legislation, while technical, also makes for a number of other positive improvements for students and institutions. It helps students avoid defaulting on their student loans by removing barriers to students seeking forbearance from lenders on their student loan payments. It makes clear that home schoolers can receive Federal aid. It makes clear that Federal scholarship aid can go to low-income and minority students for law school. It improves the flow of information to students, protects students' grant aid upon withdrawal from a college or university, and I am particularly pleased that this legislation eases aid requirements for

America's Hispanic-serving institutions, allowing them to apply for Federal grants without waiting 2 years between applications.

This provision complements President Bush's fiscal year 2003 budget which includes $89.1 million for the developing Hispanic-Serving Institutions Program, an increase of $3.1 million to expand and enhance support for institutions that serve a large percentage of Hispanic students.

I wish we could have gone further to address two specific issues that are not in the bill. One is providing an extension of two expiring provisions in the Higher Education Act that encourage low default rates amongst institutions and provides student loans more quickly to students.

The second is clarifying the provision of denying title IV aid eligibility for students convicted of the sale or the possession of a controlled substance. The law, as written, has the unintended effect of including students who may have had a drug conviction before they were enrolled in higher education or receiving financial aid.

I want to thank my colleagues on the committee, the gentleman from Oregon (Mr. WU), and the gentleman from Indiana (Mr. SOUDER), for all of their assistance in trying to find ways to get these important provisions enacted. I also want to thank the Secretary of Education and his staff who were great partners in our efforts to find a way to pay for these provisions.

However, our attempts to reach a compromise on budgetary offsets were unfortunately unsuccessful, and we are going to continue our efforts to address these issues early in the next Congress, but as we begin the preparation for the reauthorization of the Higher Education Act, this legislation will also allow us to move forward with updating our laws with regard to many clerical and grammatical errors that are contained in the current bill. Our time and resources will then be available to deal with the more intricate policy issues before us.

The legislation was created in an effort to do what was right for students, institutions and others involved with providing higher education. It was developed in a cooperative, bipartisan manner and should be passed today on an overwhelmingly yes vote so it can be sent to the other body for swift action before the summer district work period.

I would urge my colleagues today to vote yes on H.R. 4866.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, I rise in opposition to this legislation, not so much on its merits. It does a number of good things, technical changes to be done, but really, this is really about an important part of this institution, and that is, to whether or not the minority will be given an opportunity to affect and change hopefully bills that come through this House or whether or not we will be disenfranchised by the manner in which the process is run.

I say that as one who has had a very good relationship with the chairman of my committee where we were able to work on the Leave No Child Behind bill, and we have been able to work in the committee on an ongoing basis, but in this particular instance, where we had the one opportunity that we will have in this Congress, in this committee, to address a number of important issues, to meet other Members of the committee on the Democratic side of the aisle, we find that we were, in fact, closed out.

Again, it is not about the language of this bill, but it is about the opportunity and whether or not we would have been able to offer amendments to this legislation that were important to us, and what we see is a continuing pattern in the House of Representatives, whether it is on the floor of this House, now that has drifted into the committee, on whether or not Democrats will be allowed to offer amendments.

What we see is where we represent 49 percent of the country and the districts in which we have been elected, we find out that we are not allowed to offer amendments. We are not allowed to offer amendments if we can win those amendments. We are not allowed those amendments if it means the Republican must take a tough vote, if they disagree with it. We are not allowed to offer those amendments if it means the bill might take an extra few minutes of consideration, and yet basically the Congress has been working on a Tuesday-to-Thursday schedule.

Why the disenfranchisement of the Democratic Members? I think it is simply because they choose not to have us be able to articulate policy differences that we have with them. This was true on the welfare bill where simply amendments were not allowed. We were allowed a substitute. We all know that legislative gimmick. There are enough things in a substitute that everybody can justify a no vote or a yes vote but with amendments.

The same was true on pensions. The same was true on the securities legislation where we just limited access to the Democrats to offer this kind of legislation.

One would think this was a politburo. One would not think this was the people's House where theoretically each and every Member should be given an opportunity to voice his or her concern as legislation moves through the House of Representatives, through the committees, to offer amendments that some of us may like or not like, where we take a vote, a person wins or they lose. This is the politics that rules the House. That is what people come to expect. Now we are simply prevented from raising these issues.

This is not just about us and the process of the House. In this case, this was about whether or not we were going to be able to offer amendments to deal with whether or not there would be loan forgiveness for teachers that were trying to attract, that we recognize in the Leave No Child Behind Act, to try to attract teachers to high poverty schools, to try to attract teachers to come in and teach in math and sciences, to teach in special education, all of the areas that we know we have a shortage.

Would America's children, would America's parents, would America's schools have an opportunity to be able to attract additional teachers to those areas where there is the shortage, where there is a difficulty with the performance of America's school children on testing in math and science where we were ranked in the world? We are foreclosed from having that debate and offering that opportunity.

The gentlewoman from New York (Mrs. MCCARTHY) wanted to offer the right to make sure that those who are lost family members in 9/11 would have their student loans forgiven where the first responders were killed. We were told by the majority leader we would have an opportunity to have a vote on that amendment. We were told that last year. We are still waiting. This is one of the last vehicles where we may have been able to come through and offer such an amendment.

We wanted to offer an amendment to deal with the questions of vocational education and the enforcement of title IX. These are amendments that may win and they may lose, but the fact of the matter is we were precluded from it. This is a good technical amendments bill. This is a good corrections bill, but that should not preclude it.

The majority says, well, it is getting too heavy; the bill is getting too heavy. That is not for them to determine. That is for the body to determine. It may not be too heavy to get out of committee, may get too heavy to get off the floor, the amendments may lose. That is the process the people in this country are supposedly guaranteed, but we see more and more that that process is closed down.

So the end result is the matters of great concern, matters of merit, to millions of people across this country will be foreclosed from being considered in this Congress.

The question of whether or not we have loan forgiveness, the loan forgiveness is a Republican amendment. The gentleman from South Carolina (Mr. GRAHAM) and I are cosponsors of this effort. It was in the President's budget. This is not some controversial idea we thought up to gig somebody. This is what the President said we should do. This is what the gentleman from South Carolina (Mr. GRAHAM) and the committee said we should do, and many people cosponsored that effort to do that, but we are precluded from offering it.

The FETA program was an outgrowth of an idea about what is the

biggest problems these schools are having. The number one reason, one alluded to, was the question of what happens to students who had a violation of controlled substance laws prior to their entering a school of higher education. We cannot even address that in this bill now. We were going to offer the amendment. It was in the bill at one time. It was taken out of the bill. We talked to them and we were going to put it back in. What happened? The committee meeting was cancelled. Now we find ourselves on the floor in the suspension and we are denying America's teachers, we are denying America's schools an opportunity to try and get additional help to them.

For that reason, I oppose this bill and I would ask my colleagues to do the same.

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

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

As I said earlier, the whole FED UP process was really a rather innovative idea put together in a bipartisan way to try to get input from educators and those involved in higher education around the country, and my colleague, the subcommittee chairman, the gentleman from California (Mr. MCKEON) will get into more of that in detail.

What we tried to do was to do on a regulatory side what could be done, and the Secretary of Education has done a good job in addressing many of these comments that we received on that that could be addressed in the regulatory process in that venue. What we are trying to do here was to find those issues where there was bipartisan support that did not cost money.

My colleagues all know we have to live under the Budget Act. There are three issues that we desperately wanted in this bill from our side of the aisle, the two extenders and the drug provision that the gentleman from California (Mr. GEORGE MILLER) just referred to. We could not find budgetary offsets. Together those three issues did not even cost $10 million a year.

Some of the proposals outlined by my good friend and colleague from California (Mr. GEORGE MILLER) cost far more than that. We would love to address forgiving teachers student loans for those in title I schools, $275 million in budget authority. How about allowing judges to set aside the ban on student aid for drug offenders, I think misconstrued by the Department, but again to fix it, $135 million in budget authority. Or how about the proposal by the gentlewoman from New York (Mrs. MCCARTHY), my good friend and colleague, someone whom I have been frankly working to try to help, on forgiving student loans for spouses of victims of 9/11, $3 million.

We did not put our proposals in the bill that cost money, and the proposals that have been outlined by my colleague cost significant amounts of money, and the fact is that the offsetting amounts from somewhere were never presented.

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What we have before us is a very good bill, and what we should not do here is we should not let the perfect become the enemy of the good. The gentleman knows we have a very good bill on the floor today. It has broad support in the higher-education community, and it deserves the broad support of all of our colleagues. So let us not let the perfect become the enemy of the good.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 2 minutes.

First of all, Mr. Speaker, on the question of budget authority, the gentleman made a determination that this cost money and there were no offsets. The gentleman said there were no offsets, but he would not even let us look for offsets for these amendments. We also happen to have a number of free amendments. We happen to have a number of free amendments we are willing to offer.

The second thing is, the gentleman wanted to do something that was not controversial, where there could be agreement. On that theory, we just went through the securities bill in the House that turned out to be an embarrassment to everybody because, today, people ran down to the floor to add criminal penalties on almost a unanimous vote. So the question on that point, the Republicans were determining what is controversial. They said if we have criminal penalties against people who perpetrate fraud, that would be controversial and they left it out of the securities bill. In the Senate today it was 97 to 0, and this morning it was 400 to something.

So, again, my colleagues are setting themselves up as the arbiters of what is controversial, what can be considered, and what cannot be considered. That is not democracy. That looks like forms of government that we fight against around the world. That is not a democracy. In our democracy, we take a vote and we win or we lose. We get excited about winning, and we lick our wounds when we lose and come back another day. But that is not what is happening here. So this is far beyond that.

People were not raising the budget act when the farm bill passed through here. Or, actually, the gentleman was raising the budget act when the farm bill came through here, but the leadership was not raising the budget act when the farm bill came through here; and they are not raising it now in the supplemental. So the notion that somehow loan forgiveness for teachers is completely out of consideration, let the Members decide that. Let the Members decide if we want to make tradeoffs.

Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Speaker, I oppose what is a good bill. I oppose it because there is a larger principle at stake here, and that is the reasonable right of the minority to have its say in the process of writing legislation.

The House has been here before, Mr. Speaker. Exactly 11 years and 1 day ago, a Member of this House came to the floor and protested a procedure and used these words: ''This rule might aptly be called the representative democracy displacement rule since its substitutes the judgment of the majority leadership for that of the 435 freely elected Members of this House. It is ironic, Mr. Speaker, that as dictatorial governments around the world are allowing democracy to flourish, democracy does not flourish in the House of Representatives.''

That speaker was not a Democrat disenchanted with the present majority, it was the present chairman of the Committee on Rules, the gentleman from California (Mr. DREIER), who used those words 11 years ago. He was talking about a rule where the minority was given a substitute of its own version of a bill that would outlaw the use of replacement workers in a strike. We have not been given such prerogatives.

When the debt ceiling limitation was brought to this floor, the minority was not given the right to offer our own plan. When the prescription drug benefit legislation was brought to this floor, the minority was not given the right to offer its own plan. With this bill, as the gentleman from California (Mr. GEORGE MILLER) just said, our ideas to forgive student loans for those willing to teach in disadvantaged schools, to forgive the student loans of heroes who gave up their lives on September 11, to make sure that civil rights laws are enforced under vocational education programs, our ideas were deemed unworthy of being considered by this body.

Mr. Speaker, this process is unworthy of this body. It is one more example of the arrogant imposition of majority will. It is one more reason why people should rise up and vote ''no'' on this bill.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from California (Mr. MCKEON), the chairman of the Subcommittee on 21st Century Competitiveness.

Mr. MCKEON. Mr. Speaker, I thank the chairman for yielding me this time, and I rise in strong support of H.R. 4866, the FED UP Higher Education Technical Amendments Act.

I would like to thank the chairman, the gentleman from Ohio (Mr. BOEHNER), and the ranking members, the gentleman from California (Mr. GEORGE MILLER) and the gentlewoman from Hawaii (Mrs. MINK), for their support and leadership.

The success of FED UP, which is short for Upping the Effectiveness of Our Federal Student Aid Program, and

openness of the entire process should serve as a model of collaboration and partnership at all levels.

When we began this process last year, I stated early on that I had absolutely no agenda to push; that my only consideration was to promote an initiative that benefits students so that we could increase access to higher education. To this end, the ranking member, the gentlewoman from Hawaii (Mrs. MINK), and I solicited comments from across the country, from college officials, administrators, and other personnel who operate America's institutions of higher learning in order to determine which regulations or statutory provisions could be modified or eliminated in order to remove regulatory burdens. We have 800 pages of Federal regulations dealing with higher education, and we were trying to simplify this process.

While participating in the process, Richard Atkinson, president of the University of California, states ''Our efforts to keep tuition reasonable and affordable for students are undermined by the enormous compliance costs associated with Federal regulations. While we must ensure and document that Federal funds are spent properly, the current regulatory morass only increases costs and diverts faculty and staff from more productive activities.''

Peggy Stock, president of Westminster College in Utah, said she could not ''remember the last time someone asked us what was wrong and what we could do to make it better.''

In just 3 months, we set up a Web page, and we asked for responses from all the schools around the country; and we received over 3,000 responses as to how the process could be improved. These responses came from individuals at every type of secondary institution and from every part of the country.

Once the responses were compiled, the committee worked with the Department of Education to assess which regulatory issues could be addressed immediately and which would need to be considered in the upcoming reauthorization of the Higher Education Act. With Secretary Rod Paige pledging to be a true partner throughout the FED UP process, the Department of Education addressed proposals that were strictly regulatory in nature.

As part of the third step in the process, we began working on legislation to address additional statutory provisions that placed an undue burden on colleges, universities, and ultimately our country's students. These proposed amendments were slated to be noncontroversial and technical in nature. And all of our staff were in there; we were in there working together.

As previously agreed to, and has been discussed repeatedly over and over again, all controversial ideas were to be taken offer the table and dealt with during reauthorization of the Higher Education Act. In fact, the gentlewoman from Hawaii (Mrs. MINK), in asking that one of the issues that we are talking about be removed, sent a letter to me, and I quote from her letter: ''Our understanding was that this technical correction bill would not include any item that was controversial or which would be objected to by a significant number of Members.''

This process will begin with the commencement of hearings later this fall, when we start on the reauthorization of the Higher Education Act. That is when we will address the controversial issues that my colleagues are talking about.

Over the last year, in an effort to produce this noncontroversial and budget-neutral bill, Members and staff have met with those from both parties, various members of higher-education associations, and the Department of Education. The results of these tireless efforts of the FED UP Higher Education Technical Amendments Act has support from every major college education association in the country and is cosponsored by the chairman, the gentleman from Ohio (Mr. BOEHNER), and actually the ranking member, the gentleman from California (Mr. GEORGE MILLER), and the gentlewoman from Hawaii (Mrs. MINK) and Members from both parties.

The thousands of students, parents, financial aid professionals, and college presidents who logged on are a key part of that collaboration. They are the experts. They are the individuals who must navigate the Federal student aid programs each day. And by logging on to our Web site, they gave us practical, more effective alternatives that will improve service to our Nation's students and reduce red tape for our colleges and universities.

Federal student aid programs provide a valuable service. Because of the efforts of this Congress to provide increased funding for grants, loans, and other aid each year, millions of students are able to follow their dreams. While these higher-education programs do a tremendous service to students by opening doors of opportunity that can only be opened by higher education, they are far from perfect. The confusing, convoluted, bureaucratic red tape students often face when trying to obtain financial aid must be cut.

Even though this vital piece of legislation includes numerous technical changes to the Higher Education Act, most of the changes in FED UP will directly improve service to students. The bill will help students avoid defaulting on their student loans by removing barriers to students seeking forbearance from lenders on student loan payments. It will improve the flow of information to students by expanding the use of technology on campus. It clarifies parts of the ''return of title IV funds'' policy to better protect students' grant aid when he or she withdraws from a college or university. It corrects a drafting error in current law that mistakenly prevents students attending nonprofit foreign veterinary schools from completing their education by making them ineligible for the Federal Family Education Loan program.

Students, parents, and administrators have spoken, and their voice is clear: the Federal student aid program must be reformed to make it easier to navigate. This should be an example for all parts of Federal Government to work on.

I strongly urge Members to support H.R. 4866, the FED UP Higher Education Technical Amendments Act of 2002, to return the Federal student aid program to its original purpose of aiding students.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Mr. Speaker, under normal conditions, I certainly would be supporting this bill. I do not think any of us on the committee have anything against it. But, again, I will talk about the process of how we came upon this.

When I came here to Congress, certainly I thought we would be working together to try to get a good bill out. Now, obviously, I came to Congress under very different circumstances. I was just an average housewife living in Mineola, but I actually thought the government worked under the democratic process.

I can offer an awful lot of amendments, and they can be voted down; but at least I can have my day and be able to talk about a bill. However, because my colleagues and I were not given an opportunity to debate this bill and approve it, I must voice my opposition to the process by which this bill came to the floor.

I had intended to offer an amendment to this bill that forgives student loans of the spouses of the victims of September 11. Due to the tragic events of September 11, many spouses who lost a loved one in the attack are enduring financial hardships. Charitable organizations have provided some form of relief, but the Federal Government must do more.

We must provide student loan relief to all spouses affected by the terrorist attack on September 11. Currently, an individual who died has their loan forgiven, but not the spouse, who may have relied on the working spouse to pay those loans back. My bill authorizes the Secretary of Education to discharge or cancel Federal student loan indebtedness to eligible spouses.

By the way, we worked very hard to keep those costs down. We had the CBO score how much this might cost, which was the next step, and it was under $500,000. We actually said it would probably cost $300,000.

This includes the spouse of an individual who served as a policeman, fireman, other safety or rescue personnel, or in the Armed Forces who died or became permanently disabled in the line of duty due to the injuries suffered under the terrorist attack.

In addition, our bill closes the loophole that does not allow for a loan to be forgiven if it has been consolidated. Under my bill, we close this loophole and allow spouses to have their student loans forgiven whether or not the loan had been consolidated.

It has been 10 months since this terrible tragedy has taken place. Have we really forgotten our pledge to help these victims any way we can? Let us stop the politics surrounding this legislation today. We must do everything in our power to help ease the financial burden our brave men and women may endure while they fight overseas to rid the world of terrorism. Relieving the student loan expenses helps financially strained spouses provide for their families during this difficult time.

But, again, let us come back to the democratic process. I could have brought this amendment up in committee. It could have been voted down. I would have accepted that. But at least I would have had a voice heard.

□ 1430

Mr. BOEHNER. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. Mr. Speaker, the debate on this bill provides a perfect example of why it is so much harder to pass legislation than it is to defeat it. Here is a piece of legislation coming to the floor of this House that was worked on in the spirit of bipartisanship with total cooperation between the parties, but because some Members are not satisfied that everything that they want is included, they are going to vote against it, even though not a single word has been spoken on the floor against any provision in the bill that is before us.

It is a good bill and it should pass on its merits, but Members would like to add more and do it their way. We cannot do it everybody's way and get anything done. It is easier to stop things than to pass it.

Mr. Speaker, I rise in strong support of a good bill. I would like to speak very briefly about a provision in the bill that makes a minor change to the statute governing the Federal TRIO programs in a way that will end the unfair disadvantages faced by the University of Wisconsin's 2-year colleges in applying for student support services grants.

The provision will override a Department of Education regulation that was preventing my State's 13 2-year college campuses, known as the UW college system, from applying for more than just one student support services grant. It is a good concrete example of a burdensome regulation that is preventing the proper functioning of a higher education program and making thousands of students ineligible for the benefits of the TRIO program.

The regulation in question sets criteria for what constitutes a ''different population'' served and ''different campus'' in such a way that, while almost every other State's 2-year college systems are treated as separate campuses for this purpose, those of Wisconsin and New Mexico are considered as one campus, even though they are scattered all over the State, serving demonstrably different populations, and independent of each other in every relevant respect.

In fact, UW colleges are allowed to apply for separate grants for every other TRIO program except the student support services program.

Mr. Speaker, I urge Members to support this legislation.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I think Members understand that bills that come to the floor under suspension of the rules are intended to be noncontroversial, worked out, signed, sealed and ready for delivery.

The bill that comes to us today is in fact not yet completed. Certainly it is not controversial that increased access to college education is more important than ever. But this bill needs more than just some tinkering or some perfecting attention. There is room for substantial improvement.

We should be dealing with teacher loan forgiveness and addressing the shortage of special education teachers and we should be dealing with gender equity and vocational education and student loan relief for families of victims of September 11. We should be dealing with the policy of missing persons at universities and colleges.

I was prevented from offering an amendment that would have fulfilled President Bush's goal of increasing the number of math, science and special education teachers in the classroom.

We have not been able to complete work on this bill. The Committee on Education and the Workforce is very capable of bipartisan work. The gentleman from Ohio (Mr. BOEHNER) and the gentleman from California (Mr. GEORGE MILLER), both sides of the committee, have worked together very well. The Leave No Child Behind bill is a product of that bipartisan work. I believe this bill should be sent back to the Committee on Education and the Workforce, marked up, and returned to the House floor in a bipartisan manner so we can increase access to colleges and universities for all of our students.

Mr. BOEHNER. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. SOUDER).

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

Mr. SOUDER. Mr. Speaker, first, I do not want to be appearing to be joining the minority whining session. I certainly have a legitimate complaint in the bill because mine was actually a technical correction. The technical corrections bill is supposed to be mostly grammatical and things that were misunderstood. And the things that are being debated on the floor right now are supposed to come up under separate legislation when we do a higher ed bill.

To quote the gentlewoman from Hawaii (Mrs. MINK) when I was trying to do what was actually a technical correction, she wrote, ''Our understanding was that this technical correction bill would not include any item that was controversial or which would be objected to by a significant number of Members.''

What we have been debating here is a higher ed bill or individual bills. My technical correction is very simple. The Clinton administration, either through deliberate, malicious intent, or incompetence, and I believe incompetence, ruled that students who are receiving a loan who got convicted of a drug offense applied to people 20 years back. A 14-year-old who had committed three offenses could not get a student loan.

Our debate was clear. An exchange the gentleman from California (Mr. GEORGE MILLER) and I had made it clear we were talking about students who were convicted while they were getting a college loan. They applied and denied thousands of students because of a laughable interpretation of the law. We have twice passed this technical correction in the House. We tried to put it in this bill, and the gentlewoman from Hawaii (Mrs. MINK) objected because she said it was a substantive change when this was a technical correction.

To his credit, the gentleman from California (Mr. GEORGE MILLER) disagreed, and so did the gentleman from New York (Mr. MEEKS), the cosponsor of this bill, and we tried to move it through. Finally it looked like we were going to move it through, and then there was a budget objection.

As an absurdity of congressional accounting, when we first passed my amendment, we did not get a debit or any balance based on the number of students who would lose the loan. But when we tried to follow the House law and the law as it was passed, then they said we had to get an offset if we let students who were not to be deprived in the first place get those loans back. So we also had a budget objection.

Mr. Speaker, I have a legitimate complaint in this technical corrections process, but I am going to vote for this bill because I know the higher ed bill is coming next year. We will deal with loan forgiveness, with which I agree, and other issues when we actually do a higher ed bill. This is to be a technical corrections bill.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, while I do not oppose the provisions that are included in the Fed Up Act, I am fed up for bringing it up on a suspensions calendar. I am not

going to vote against this bill because of what is in the bill, I am going to vote against it because of what is not in the bill.

As a member of the Committee on Education and the Workforce, I had planned to offer an amendment to Fed Up when it was marked up in the full committee. However, rather than consider any Democratic amendments, the committee mark was cancelled and this bill was never considered at the committee level. Had it been, I would have offered an amendment to ensure that vocational education programs obey civil rights laws.

Just a few weeks ago, The Washington Post and other newspapers reported on a recent survey that revealed pervasive gender segregation in vocational and technical education programs all around the country. The survey found that women remain clustered in classes which lead to traditionally female jobs, such as cosmetology, child care or fashion technology. On the other hand, the classes in carpentry, electronics, and automotive programs were 85 percent male. So women are trained for jobs as hairdressers, earning a median hourly wage of $8.49 an hour, while males get work as plumbers who earn an hourly wage of $30 an hour. Thirty years after the passage of title IX, the patterns of enrollment in technical and vocational education programs look shockingly similar to the patterns that existed prior to the passage of title IX 30 years ago.

I am fed up with this unfair legislative process. I am fed up with being denied opportunity to work with my colleagues in crafting legislation that comes to the House floor. I urge Members to vote against the Fed Up bill, and vote against any bill where half the House is muzzled. Until Democrats are given a fair role in House proceedings, I suggest that we vote no.

Mr. BOEHNER. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. ISAKSON).

Mr. ISAKSON. Mr. Speaker, for those Members who paid attention to this debate and are about to vote, they should know the following: Every speaker who has risen in opposition of the bill has endorsed every provision in the bill, and so they would vote for it except for concerns of theirs.

Every speaker on the bill 2½ hours ago sat with me in a hearing before presidents of historically black colleges and minority and poor institutions who talked about the bureaucratic, technical and monetary impediments to deserving students getting a college education, 400,000 this year in America.

We should subordinate our political interests to the better interests of Americans trying to better their lives. If, in fact, there is no objection to a provision in the bill, we should vote for the recipients and the beneficiaries of student aid and improve their lives, not for our parochial or our political interests.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I appreciate the words of the gentleman from Georgia (Mr. ISAKSON), except under that theory, why have a democracy? The other side of the aisle would make a determination what is good, and then that is what is voted for.

That is not the issue of whether we support the underlying bill or provisions of it, it is whether or not under a process that would have allowed us to offer amendments, we were not allowed to offer those amendments. That is called fairness. That is called fairness.

It is not a question of whether, as the gentleman from Wisconsin (Mr. PETRI) said, we got all we wanted, we simply wanted a debate. We might have won the votes. Maybe we were wrong. That is the process in this House. The other side does not get to unilaterally decide whether we have enough. The votes in the House decide whether a bill goes too far. We weigh that every day. But that opportunity is being offered to us less and less. That is why when we have a bill of decent merit, but the suggestion is that is it, folks, take it or leave it, that is not our process of government.

Mr. ANDREWS. Mr. Speaker, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentleman from New Jersey.

Mr. ANDREWS. Mr. Speaker, I would just ask the ranking member if there was a markup of this bill in the subcommittee where we would have had an opportunity to offer our amendments?

Mr. GEORGE MILLER of California. Mr. Speaker, I do not think there was. When we started to offer amendments in the full committee, the hearing was cancelled.

Mr. ANDREWS. If the gentleman will continue to yield, so there was no opportunity in the full committee to offer amendments to this bill either?

Mr. GEORGE MILLER of California. That is the problem. The gentleman is quite correct. I appreciate his question. Then when we get to the floor, we are told we cannot have amendments because it was on suspension.

Mr. Speaker, when is it we get to offer amendments? When is it we get to present a differing view, either on the technical underlying bill or on amendments that are germane, under the rules of germaneness, the rules of the House? Members can be the arbiters of that.

But I do not think the Members of the Democratic side should go along with that. I would hope that Republicans understand that and would not support the bill, and we can have this under an open rule. Maybe our amendments would be germane. It is not like we have been busy around here. All of a sudden we have to close down democracy when it looks like we have to take a tight vote, or maybe the minority might prevail.

Mr. Speaker, as has been pointed out, a number of our amendments were supported by the President's budget, they were supported by Members on the Republican side of the aisle. This is simply about trying to preserve the notion that this is a people's House.

The amendment is not for me or the gentlewoman from California (Ms. WOOLSEY). It is for the teachers in this country, it is for the young kids going to school thinking about whether they go into math and science. Do they go to a high poverty area or not. That is who the amendments are for, but that is precluded.

Mr. Speaker, I urge all Members on the Democratic side of the aisle to vote against this, and hope our colleagues would join us in trying to preserve some semblance of democracy in the House.

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

Mr. Speaker, I know the gentleman from California (Mr. GEORGE MILLER) would never accuse me of being unfair. We have had a very good process in our committee over the last 18 months, and I think Members on both sides of the aisle have far more respect for each other than we have seen for certainly the 12 years I have been on the committee.

□ 1445

What we went through was a bipartisan, commonsense exercise to ask the higher-education community what is it that makes your life more miserable that we can address. We went through a commonsense, bipartisan effort to put this bill together. The agreement early on was if we could not come to an agreement on the issue, it did not go into the bill. But there are 30 issues in this bill that have common agreement, that we all agreed that this would happen. Then all of a sudden along the way the track either got crooked or the train ran off the track and there are other issues that wanted a place in this bill, issues that unfortunately cost an awful lot of money.

As the gentleman from Georgia (Mr. ISAKSON) pointed out, my colleagues on the other side of the aisle have supported everything in the bill. As I said before, let us not let the perfect become the enemy of the good. We will have ample time to deal with these other issues next year when we get into the reauthorization of the higher education act, but in the meantime let us do what we can to help more students get a better shot at a good college education.

Mr. KIND. Mr. Speaker, I support the efforts today to make necessary technical changes to the Higher Education Act. On behalf of the 3rd Congressional District of Wisconsin, I have a significant interest in a particular section of this legislation that will assist the University of Wisconsin two-year campuses in my home state.

Over the past 30 years, Congress has established a series of programs to help low-income Americans enter college, graduate, and

move on to participate more fully in America's economic and social life. These programs include financial aid programs that help students overcome economic barriers to higher education, as well as TRIO programs which help students overcome class, social, and cultural barriers to higher education.

Currently, TRIO regulations allow multiple branch campuses to submit separate grant applications so long as the programs are run on campuses that are both geographically apart and independent of the main campus of the institution. Unfortunately, the Department of Education does not recognize the University of Wisconsin system as having ''independent'' two-year campuses because the thirteen branch campuses share a single chancellor.

Thus, the University of Wisconsin's two-year college system is only eligible for one TRIO grant, which currently provide only $435,000 for 475 students. This group of students is only 6 percent of those eligible for funding under the program.

Since 1996, when the UW campuses were first denied individual TRIO grants, until 2004, when they will next be able to apply for individual grants, they will have lost more than 1.4 million dollars in funding. This money could have served hundreds of students.

These institutions of higher education should not be penalized simply because of their administrative structure. Therefore, I am pleased that language from H.R. 4637, legislation I introduced with Congressman Petri, that makes technical changes to the TRIO regulations, is included in this bill. The language will redefine what constitutes a different campus, allowing the University of Wisconsin's two-year schools to compete fairly for TRIO grants, just as other schools already do. In the end, these campuses will be able to serve more students who need assistance.

Mr. Speaker, I am happy that this language was included in FED-UP. I support assisting students in attaining a higher education. This legislation will help more people attend college, and as a result be more competitive in the workforce.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Ohio (Mr. BOEHNER) that the House suspend the rules and pass the bill, H.R. 4866, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. GEORGE MILLER of California. 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 and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECOGNIZING AND HONORING JUSTIN W. DART, JR.

Mr. MCKEON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 460) recognizing and honoring Justin W. Dart, Jr., for his accomplishments on behalf of individuals with disabilities and expressing the condolences of the House of Representatives to his family on his death.

The Clerk read as follows:

Resolved, That the House of Representatives—

(1) recognizes Justin W. Dart, Jr., as one of the true champions of the rights of individuals with disabilities and for his many contributions to the Nation throughout his lifetime, and honors him for his tireless efforts to improve the lives of individuals with disabilities; and

(2) recognizes that the achievements of Justin Dart, Jr., have inspired and encouraged millions of Americans with disabilities to overcome obstacles and barriers so they can lead more independent and successful lives.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. MCKEON) and the gentleman from New York (Mr. OWENS) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. MCKEON).

GENERAL LEAVE

Mr. MCKEON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H. Res. 460.

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

There was no objection.

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

Mr. Speaker, I rise today in support of House Resolution 460, which recognizes and honors Justin W. Dart, Jr., a man who was a tireless advocate on behalf of individuals with disabilities. The resolution also expresses the condolences of the House of Representatives to Mr. Dart's family on his recent death.

Mr. Dart was known as a pioneer and leader in the disability rights movement, and his accomplishments and advocacy in that arena have spanned over 4 decades. Mr. Dart became a civil rights activist for individuals with disabilities following contracting polio in 1948.

Mr. Dart served in many leadership positions within the area of disability policy and was appointed to such positions by five Presidents, five Governors, and Congress, by Republican and Democrat alike. Along with participating in national policy development, including the Americans with Disabilities Act of 1990, Mr. Dart also sponsored formal and informal programs of independent-living training for individuals with disabilities.

Again, I am pleased to recognize and honor the accomplishments of Justin W. Dart, Jr., and I urge my colleagues to support this important resolution.

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

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

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

Mr. OWENS. Mr. Speaker, I rise in strong support of H. Res. 460. This resolution fittingly honors and celebrates the life of Justin W. Dart, Jr., a civil rights pioneer for individuals with disabilities. Sadly, he passed away at the end of June, leaving our Nation to mourn him, but also to recognize his legacy of accomplishments.

Justin Dart is remembered for his tireless work on behalf of individuals with disabilities and ensuring their ability to fully participate in life. His spirit and efforts to better opportunities for individuals with disabilities was a constant focus since he contracted polio at age 18. Justin Dart's determination for success led him to establish a successful business that employed disabled individuals, but also to fight for the civil rights of all Americans.

Justin received numerous awards and recognitions during his lifetime, including the Presidential Medal of Freedom awarded to him by President Clinton in 1998. Justin also held numerous positions within the disability community, including vice chairperson of the National Council on Disability, commissioner of the Rehabilitative Services Administration, and chairman of the President's Committee on Employment of People with Disabilities.

Justin is best remembered, however, for his tireless work to enact the Americans with Disabilities Act. The ADA has literally opened the doors of opportunity to millions of disabled Americans, ensuring they can work, go to school, and access facilities to the same extent as nondisabled individuals. Without Justin's work on this legislation, I am certain there would be no ADA today. The ADA is a living monument to his spirit and his determination.

Our thoughts go out to Yoshiko Dart, Justin's wife, and his family for their loss. As individuals and institutions around the world celebrate Justin Dart's life, it is only fitting the House recognizes him for his lifetime of contributions to the civil rights cause of individuals with disabilities. His legacy and his tireless work is an inspiration to us all.

Mr. Speaker, I had intimate, personal knowledge of Justin Dart and his amazing energy and dedication as reflected in the spirit with which he approached the passage of the Americans with Disabilities Act. I know as no one else knows that the Americans with Disabilities Act would never have been passed had it not been for Justin Dart. Justin Dart at the very beginning of the act's preparation, our effort to pass it, recognized the complexity of the bill. The ADA was a bill which had jurisdiction spread throughout all the committees of Congress. There were many people who predicted it could never pass. The ADA, however, moved forward and had a momentum that was mysterious to many people, but I clearly understood what was happening.

Every Congressman tells the advocates of any piece of legislation that the first thing they have to do is go out