

However, these bills provide a good foundation to work from, and as a proud supporter of this legislation, I urge my colleagues to vote in favor of this rule and the underlying bills.

Mr. PASCRELL. Mr. Speaker, I rise today in opposition to this rule as it does not make in order a bipartisan amendment to H.R. 4984, that I introduced with my friend Congressman RUNYAN.

Under the legislation, institutions are required to provide certain information to borrowers recommending they exhaust their federal loan opportunities before taking out private loans, that federal loans typically offer better terms, and that if they do decide to take out a private loan, an explanation regarding some of the borrower's rights. Our simple, right-to-know amendment would add to the list of information required to be made available an explanation of the differences between private loans and federal loans when it comes to the death or disability of the borrower. Borrowers would be notified that the borrower's estate or any cosigner of a private loan may be obligated to repay the full amount of the loan in the event of the death or disability of the borrower.

This amendment is based on bipartisan legislation I introduced with Mr. RUNYAN, legislation which passed by a voice vote in the House a few years ago. The Bryski family—who live in Mr. RUNYAN's district in South Jersey—fought for six years to discharge a private student loan they cosigned for their son Christopher, a college student who suffered a traumatic brain injury during his third year at Rutgers University and passed away after spending two years in a coma. Upon Christopher's death, his family was told by the bank that they would have to take over the loan and begin making payments on the \$50,000 owed.

No family ever expects to lose a child. However, should the unexpected happen during college, it is a terrible fact today that families not only struggle with the loss of their loved one, but are also burdened as they find out they now have the obligation to pay the student's outstanding private loans. In this circumstance, federal loans are forgiven, but private lenders often still require families to pay back loans on behalf of their children. Understandably, the unexpected costs are difficult to absorb, and families are not mentally prepared for these various circumstances.

While no one can prepare for or anticipate the death of a loved one, especially a child entering college, requiring this information to be made available will ensure families can make the most appropriate financial decisions about how they finance higher education. This bill does not add a dime to the deficit, and we are not seeking to change lending rules or requiring banks to discharge debt. We simply want loan cosigners to understand what they could be responsible for.

It is a disappointment that the Majority would rather keep parents in the dark, and would rather allow private banks and some of their most heartless practices remain in the shadows than consider this simple amendment that would simply ensure that students and their families are warned about this possibility.

I urge opposition to the rule.

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

AN AMENDMENT TO H. RES. 677 OFFERED BY
MR. POLIS OF COLORADO

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

SEC. 3. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4582) to amend the Higher Education Act of 1965 to provide for the refinancing of certain Federal student loans, and for other purposes. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided among and controlled by the chair and ranking minority member of the Committee on Education and the Workforce and the chair and ranking minority member of the Committee on Ways and Means. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 4. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 4582.

THE VOTE ON THE PREVIOUS QUESTION: WHAT
IT REALLY MEANS

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

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

The Republican majority may say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Rep-

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

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

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

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

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

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

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

The yeas and nays were ordered.

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

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

STRENGTHENING TRANSPARENCY
IN HIGHER EDUCATION ACT

Ms. FOXX. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4983) to simplify and streamline the information regarding institutions of higher education made publicly available by the Secretary of Education, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows: