

Madam Speaker, at this time it is my privilege to yield 3 minutes to the distinguished gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. Madam Speaker, I thank my colleague for yielding.

I support this rule to provide for consideration of H.R. 2881, the FAA Reauthorization Act of 2007. Aviation program authorizations expire at the end of this month, and it is essential that a new authorization is in place in the near future.

Fortunately, aviation has bounced back from the troubles experienced in the aftermath of the 9/11 attacks. While this is good news, it also is placing a strain on our air transportation system. And it is only estimated to get worse.

For example, 1 billion passengers are estimated by 2015, a 52 percent increase over the 2005 levels. It is estimated that the number of aircraft handled by air traffic control will increase from 45 million in 2004 to over 58 million by 2015.

Aviation is vital to our economy. U.S. airlines employed nearly 600,000 people in the United States in 2003. The industry helps to create and sustain more than 10 million jobs across our country and supports 8 percent of our gross national domestic product.

It's estimated that we need capital investments of \$9 to \$15 billion each year in order to accommodate this ever-growing demand. The FAA Reauthorization Act increases infrastructure investment, provides for continued progress in the modernization of the air traffic control system, increases safety, and enhances environmental protection.

It is essential that we get a good reauthorization program in place. While there are some provisions in this bill that I believe still need further discussion and negotiation, we need to move the process forward, and, therefore, I support adoption of this rule today.

Mr. WELCH of Vermont. Madam Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I yield myself such time as I may consume.

I will be asking Members to oppose the previous question so that I may amend the rule to allow for the consideration of House Resolution 479, the earmark accountability rule.

At the beginning of this Congress, we all heard about the new majority's so-called improved earmark rules. As the Congress has worn on, we have noticed that while the new majority's rules changes perhaps look good on paper, they haven't actually accomplished much since the majority has turned the other way when it comes to the actual enforcement of the new earmark rules. Granted, the majority has had to acquiesce to several demands of the minority when it came to appropriation conference reports; yet we have continued to hear reports of nondisclosed earmarks appearing in all sorts of bills, not just appropriations bills.

This rules change would simply allow the House to openly and honestly debate the validity and accuracy of asserted earmarks contained in all bills, not just appropriations bills. If we defeat the previous question, we can address that issue today and restore the credibility of this Congress when it comes to the enforcement of its own earmarking rules.

Madam Speaker, I ask unanimous consent to have the text of the amendment and extraneous material appear in the RECORD just prior to the vote on the previous question.

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

There was no objection.

MOTION TO ADJOURN

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I move that the House do now adjourn.

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

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

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 137, nays 265, not voting 30, as follows:

[Roll No. 886]

YEAS—137

Aderholt	Foxx	Murphy, Tim
Akin	Franks (AZ)	Musgrave
Alexander	Frelinghuysen	Myrick
Bachmann	Garrett (NJ)	Neugebauer
Bachus	Gerlach	Nunes
Baker	Gingrey	Pearce
Barrett (SC)	Gohmert	Pence
Biggart	Goode	Pickering
Bilbray	Goodlatte	Pitts
Bilirakis	Granger	Porter
Bishop (UT)	Graves	Price (GA)
Blackburn	Hastings (WA)	Pryce (OH)
Blunt	Hayes	Putnam
Boehner	Heller	Regula
Bonner	Hensarling	Rehberg
Bono	Herger	Reichert
Brady (TX)	Hobson	Reynolds
Broun (GA)	Hoekstra	Rogers (AL)
Brown (SC)	Hulshof	Rogers (KY)
Brown-Waite,	Inglis (SC)	Rohrabacher
Ginny	Issa	Ros-Lehtinen
Burton (IN)	Johnson, Sam	Roskam
Calvert	Jordan	Ryan (WI)
Camp (MI)	King (IA)	Sali
Campbell (CA)	Kirk	Sensenbrenner
Cannon	Kline (MN)	Sessions
Cantor	Lamborn	Shadegg
Capito	LaTourette	Shays
Chabot	Lewis (KY)	Shimkus
Cole (OK)	Linder	Shuster
Conaway	Lucas	Simpson
Crenshaw	Lungren, Daniel	Smith (NE)
Culberson	E.	Smith (TX)
Davis (KY)	Mack	Souder
Davis, David	Manzullo	Stearns
Davis, Tom	Marchant	Sullivan
Deal (GA)	McCarthy (CA)	Tancredo
Dent	McCaul (TX)	Terry
Diaz-Balart, L.	McCrery	Tiahrt
Diaz-Balart, M.	McHenry	Tiberi
Doolittle	McKeon	Turner
Dreier	McMorris	Upton
Duncan	Rodgers	Walberg
English (PA)	Mica	Wamp
Fallin	Miller (FL)	Westmoreland
Flake	Miller (MI)	Wilson (SC)
Forbes	Miller, Gary	

Abercrombie	Green, Al	Olver
Ackerman	Green, Gene	Ortiz
Allen	Grijalva	Pallone
Altmire	Gutierrez	Pascarell
Andrews	Hall (NY)	Pastor
Arcuri	Hall (TX)	Paul
Baca	Hare	Payne
Baird	Harman	Perlmutter
Baldwin	Hastings (FL)	Peterson (MN)
Barrow	Herseht Sandlin	Peterson (PA)
Bartlett (MD)	Higgins	Petri
Becerra	Hill	Platts
Berkley	Hinches	Poe
Berman	Hinojosa	Pomeroy
Berry	Hirono	Rahall
Bishop (GA)	Hodes	Rangel
Bishop (NY)	Holden	Richardson
Blumenauer	Holt	Rodriguez
Boozman	Honda	Rogers (MI)
Boren	Hooley	Ross
Boswell	Hoyer	Rothman
Boucher	Hunter	Roybal-Allard
Boustany	Inslee	Royce
Boyd (FL)	Israel	Ruppersberger
Boyda (KS)	Jackson (IL)	Rush
Brady (PA)	Johnson (IL)	Ryan (OH)
Braley (IA)	Johnson, E. B.	Salazar
Brown, Corrine	Jones (NC)	Sánchez, Linda
Buchanan	Jones (OH)	T.
Burgess	Kagen	Sanchez, Loretta
Butterfield	Kanjorski	Sarbanes
Buyer	Kaptur	Saxton
Capps	Keller	Schakowsky
Capuano	Kildee	Schiff
Cardoza	Kilpatrick	Schmidt
Carnahan	King (NY)	Schwartz
Carter	Kingston	Scott (GA)
Castle	Klein (FL)	Scott (VA)
Castor	Knollenberg	Serrano
Chandler	Kucinich	Sestak
Clarke	Kuhl (NY)	Shea-Porter
Clay	LaHood	Sherman
Cleaver	Lampson	Shuler
Clyburn	Langevin	Sires
Coble	Larsen (WA)	Skelton
Cohen	Larson (CT)	Slaughter
Conyers	Latham	Smith (NJ)
Cooper	Lee	Smith (WA)
Costa	Levin	Snyder
Costello	Lewis (CA)	Solis
Courtney	Lewis (GA)	Space
Cramer	Lipinski	Spratt
Crowley	LoBiondo	Stark
Cuellar	Loeback	Stupak
Davis (AL)	Lofgren, Zoe	Sutton
Davis (CA)	Lowey	Tanner
Davis (IL)	Lynch	Tauscher
Davis, Lincoln	Mahoney (FL)	Taylor
DeFazio	Maloney (NY)	Thompson (CA)
DeGette	Markey	Thompson (MS)
Delahunt	Matheson	Towns
DeLauro	Matsui	Udall (CO)
Dicks	McCarthy (NY)	Udall (NM)
Dingell	McCollum (MN)	Van Hollen
Doggett	McCotter	Velázquez
Donnelly	McDermott	Visclosky
Doyle	McGovern	Walden (OR)
Edwards	McIntyre	Walsh (NY)
Ehlers	McNerney	Walz (MN)
Ellison	McNulty	Wasserman
Ellsworth	Meek (FL)	Schultz
Emanuel	Meeks (NY)	Watson
Emerson	Melancon	Watt
Engel	Michaud	Waxman
Eshoo	Miller (NC)	Weiner
Etheridge	Miller, George	Welch (VT)
Everett	Mitchell	Weldon (FL)
Farr	Mollohan	Weller
Ferguson	Moore (KS)	Wexler
Filner	Moore (WI)	Whitfield
Fortenberry	Moran (KS)	Wicker
Fossella	Moran (VA)	Wilson (NM)
Frank (MA)	Murphy (CT)	Wilson (OH)
Gallely	Murphy, Patrick	Wolf
Giffords	Nadler	Woolsey
Gilchrest	Napolitano	Wu
Gillibrand	Neal (MA)	Wynn
Gonzalez	Oberstar	Yarmuth
Gordon	Obey	Young (FL)

NOT VOTING—30

Barton (TX)	Drake	Jindal
Bean	Fattah	Johnson (GA)
Carney	Feeney	Kennedy
Carson	Hastert	Kind
Cubin	Jackson-Lee	Lantos
Cummings	(TX)	Marshall
Davis, Jo Ann	Jefferson	McHugh

Murtha
Price (NC)
Radanovich
Ramstad

Renzi
Reyes
Thornberry
Tierney

Waters
Young (AK)

□ 1103

Messrs. CARNAHAN, ELLISON, DONNELLY, NEAL of Massachusetts, DOGGETT, FILNER, and MEEK of Florida changed their vote from “yea” to “nay.”

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 2881, FAA REAUTHORIZATION ACT OF 2007

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, reiterating our opposition to the previous question and the rule, urging all of our colleagues to vote “no” on the previous question and the rule, I yield back the balance of my time.

Mr. WELCH of Vermont. Madam Speaker, I will just close by saying this is an important bill. It makes significant improvements to the aviation industry. I urge a “yes” vote on the rule, H. Res. 664.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 664 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution, add the following:

SEC. 3. That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider the resolution (H. Res. 479) to amend the Rules of the House of Representatives to provide for enforcement of clause 9 of rule XXI of the Rules of the House of Representatives. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; and (2) one motion to recommit.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

Mr. Clarence Cannon’s Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as “a motion to direct or control the consideration of the subject before the House being made by the Member in charge.” To defeat the previous question is to give the opposition a chance to decide the subject be-

fore the House. Cannon cites the Speaker’s ruling of January 13, 1920, to the effect that “the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition” in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: “The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.”

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

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

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

Mr. WELCH of Vermont. 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. LINCOLN DIAZ-BALART of Florida. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by a 5-minute vote on adoption of H. Res. 664, if ordered.

The vote was taken by electronic device, and there were—yeas 223, nays 189, not voting 20, as follows:

[Roll No. 887]

YEAS—223

Abercrombie	Green, Gene	Oberstar
Ackerman	Grijalva	Obey
Allen	Gutierrez	Olver
Altmire	Hall (NY)	Ortiz
Andrews	Hare	Pallone
Arcuri	Harman	Pascrell
Baca	Hastings (FL)	Pastor
Baird	Hersth Sandlin	Payne
Baldwin	Higgins	Perlmutter
Bean	Hill	Peterson (MN)
Becerra	Hinchev	Pomeroy
Berkley	Hinojosa	Price (NC)
Berman	Hirono	Rahall
Berry	Hodes	Rangel
Bishop (GA)	Holden	Reyes
Bishop (NY)	Holt	Richardson
Blumenauer	Honda	Rodriguez
Boren	Hooley	Ross
Boswell	Hoyer	Rothman
Boucher	Inslee	Royal-Allard
Boyd (FL)	Israel	Ruppersberger
Boyda (KS)	Jackson (IL)	Rush
Brady (PA)	Johnson, E. B.	Ryan (OH)
Bralley (IA)	Jones (OH)	Salazar
Brown, Corrine	Kagen	Sanchez, Linda
Buchanan	Kanjorski	T.
Butterfield	Kaptur	Sanchez, Loretta
Capps	Kennedy	Sarbanes
Capuano	Kildee	Schakowsky
Cardoza	Kilpatrick	Schiff
Carnahan	Kind	Schwartz
Castor	Klein (FL)	Scott (GA)
Chandler	Kucinich	Scott (VA)
Clarke	Langevin	Serrano
Clay	Lantos	Sestak
Cleaver	Larsen (WA)	Shea-Porter
Clyburn	Larson (CT)	Sherman
Cohen	LaTourette	Shuler
Conyers	Lee	Sires
Cooper	Levin	Skelton
Costa	Lewis (GA)	Slaughter
Costello	Lipinski	Smith (WA)
Courtney	Loeback	Snyder
Cramer	Lofgren, Zoe	Solis
Crowley	Lowe	Space
Cuellar	Lynch	Spratt
Cummings	Mahoney (FL)	Stark
Davis (AL)	Maloney (NY)	Stupak
Davis (CA)	Markey	Sutton
Davis (IL)	Matheson	Tanner
Davis, Lincoln	Matsui	Tauscher
DeFazio	McCarthy (NY)	Taylor
DeGette	McCollum (MN)	Thompson (CA)
DeLahunt	McDermott	Thompson (MS)
DeLauro	McGovern	Tierney
Dicks	McIntyre	Towns
Dingell	McNerney	Udall (CO)
Doggett	McNulty	Udall (NM)
Donnelly	Meek (FL)	Van Hollen
Doyle	Meeks (NY)	Velázquez
Edwards	Melancon	Visclosky
Ellison	Michaud	Walz (MN)
Ellsworth	Miller (NC)	Wasserman
Emanuel	Miller, George	Schultz
Engel	Mitchell	Watson
Eshoo	Mollohan	Watt
Etheridge	Moore (KS)	Waxman
Farr	Moore (WI)	Weiner
Filner	Moran (VA)	Welch (VT)
Frank (MA)	Murphy (CT)	Wexler
Giffords	Murphy, Patrick	Wilson (OH)
Gillibrand	Murtha	Woolsey
Gonzalez	Nadler	Wu
Gordon	Napolitano	Wynn
Green, Al	Neal (MA)	Yarmuth

NAYS—189

Aderholt	Brady (TX)	Conaway
Akin	Broun (GA)	Crenshaw
Alexander	Brown (SC)	Culberson
Bachmann	Brown-Waite,	Davis (KY)
Bachus	Ginny	Davis, David
Baker	Burgess	Davis, Tom
Barrett (SC)	Burton (IN)	Deal (GA)
Barrow	Buyer	Dent
Bartlett (MD)	Calvert	Diaz-Balart, L.
Biggert	Camp (MI)	Diaz-Balart, M.
Bilbray	Campbell (CA)	Doolittle
Bishop (UT)	Cannon	Drake
Blackburn	Cantor	Dreier
Blunt	Capito	Duncan
Boehner	Carter	Ehlers
Bonner	Castle	Emerson
Bono	Chabot	English (PA)
Boozman	Coble	Everett
Boustany	Cole (OK)	Fallin