

imagine if you got a tax every single time? That's just nuts.

Thank goodness we are extending the current moratorium that otherwise expires this week. Now, I am one that wanted to make it a permanent extension. I join with Mr. GOODLATTE and Mr. SMITH and others as a cosponsor of legislation so that we don't have to do this every single year. We passed in the House a couple of weeks ago a bill that was unanimous, in fact, as I recall, that extended it for 4 years.

The Senate finally did something right; they actually extended it beyond 4 years. We are going to see an extension for 7 years. Even though it's not permanent, 7 years is better than nothing, and that's what we are doing today.

But as I think about all the different uses that we use on the Internet today, to think that we would tax every e-mail, every search of the Web, all those different things. As the former chairman of the Telecommunications Subcommittee, I know that this will stifle the growth of the Internet in a major, major way.

I would ask all of my colleagues, Republican and Democrat, to support this extension. Let's get it to the President. I am sure that he will sign it, hopefully, before the week is out, so that we can no longer have the audacity to think that a Congressman Snell will come back and, in fact, perhaps introduce a piece of legislation that will, in fact, tax every Internet transaction. It would be disastrous.

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I reserve the balance of my time to close.

Mr. SMITH of Texas. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, H.R. 3678, as amended by the Senate, remains a strong bill that provides much-needed clarity to the communications and Internet industries and strikes an appropriate balance in addressing the needs of States and local governments while helping keep Internet access affordable. I urge my colleagues on both sides of the aisle to join me in supporting it.

Mr. CHABOT. Madam Speaker, I rise in support of H.R. 3678, the Internet Tax Freedom Act Amendments Act, as amended by the Senate.

The Internet has changed the way we communicate, learn, and do business—all for the better. Since the Internet tax moratorium was first adopted, tremendous investment, growth and innovation in the scope and use of the Internet has occurred. By preventing unnecessary taxation of the Internet, Congress has fostered growth in productivity, spurred innovation, and widened public access to information.

This expansion is impressive. However, there is still more that Congress can do to ensure equal Internet access among all Americans. As I stated when the House passed its 4-year extension, permanently prohibiting un-

necessary taxes, such as an Internet access, is the best course of action for accomplishing this goal.

The surest way to stifle achievement, progress, and growth is to involve the government. I urge my colleagues to pass H.R. 3678's 7-year extension and use this time to work together to permanently extend the moratorium in order to foster the innovation and the free market that have been the formula for economic growth and prosperity.

Mr. COLE of Oklahoma. Madam Speaker, though I would have voted "yea" on the Internet Tax Freedom Act, it is not the vote I wished to have had. I along with 242 bi-partisan co-sponsors wanted to see the Internet Tax Moratorium made permanent instead of an extension for 7 years. Through negotiations in the House, members were told that the Senate would never agree to anything longer than 4 years. Then, we were forced to vote on a 4-year extension October 16, without the opportunity to add amendments to lengthen the ban—or even make it permanent.

Madam Speaker, today we are now voting on a Senate amendment to H.R. 3678, extending the ban for 7 years—3 more years than what we were told the Senate would agree to. Imagine what we could have accomplished had the democrat leadership had listened to the will of 242 members from both sides of the aisle asking to make this ban permanent.

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 3678.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SMITH of Texas. Madam 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.

**PROVIDING FOR CONSIDERATION OF H.R. 3867, SMALL BUSINESS CONTRACTING PROGRAM IMPROVEMENTS ACT**

Mr. CARDOZA. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 773 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

**H. RES. 773**

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3867) to update and expand the procurement programs of the Small Business Administration, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI.

rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Small Business. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. All points of order against provisions of the bill are waived. Notwithstanding clause 11 of rule XVIII, no amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. 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.

SEC. 2. During consideration in the House of H.R. 3867 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from California is recognized for 1 hour.

Mr. CARDOZA. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

**GENERAL LEAVE**

Mr. CARDOZA. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on House Resolution 773.

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

There was no objection.

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

Madam Speaker, House Resolution 773 provides for the consideration of H.R. 3867, the Small Business Contracting Program Improvements Act, under a structured rule.

As the Clerk reported, the rule provides 1 hour of general debate, equally divided and controlled by the chairman and ranking member of the Committee on Small Business. The rule waives all points of order against consideration of the bill except for clause 9 and 10 of rule XXI.

Ten amendments that were submitted to the Rules Committee for consideration were made in order. All four Republican amendments that were submitted and six Democratic amendments that were submitted were all

made in order. Finally, the rule provides for one motion to recommit with or without instructions.

Through a series of laws and procurement requirements, Congress established a benchmark for the SBA to give small businesses every opportunity to compete fairly for the award of Federal contracts. Despite a clear mandate that has been in existence for more than 50 years, small businesses have not received their fair share of Federal Government contracts. This is especially true regarding the service-disabled veterans, men and women, and minority-owned businesses.

In 2006 alone, the Federal Government spent over \$417 billion on goods and services, but small businesses have been continuously losing out on contracting opportunities. This is a tragedy. Small businesses are the engines of our economy; and securing a Federal contract is a major financial boon for these entrepreneurs, especially veterans, women, and businesses in low-income areas.

We cannot afford for our budding entrepreneurs to be shut out of what should be an open market and be denied opportunities to succeed, not when their existence is so vital to our economy, especially. H.R. 3867 takes several critical steps to assist small businesses' participation in Federal procurement by updating and expanding the SBA's procurement programs.

First, it improves contracting opportunities for service-disabled veteran businesses. Today only 0.87 percent of Federal contracts are granted to service-disabled veteran businesses, a far cry from the 3 percent goal that was enacted in 1999.

H.R. 3867 gives service-disabled veteran businesses priority for Federal contracts, providing more opportunities for our Nation's veterans to become successful entrepreneurs.

It also codifies President Bush's executive order directing agencies to provide veterans resources and assistance they need to participate in Federal contracting processes.

Second, H.R. 3867 aids women-owned businesses with Federal procurement processes. The Women's Procurement Program was enacted 7 years ago to increase the number of contracts awarded to businesses owned by women.

However, the SBA has been dragging its feet in implementing the program, costing women tens of billions of dollars in lost contracting opportunities. H.R. 3867 fully implements the Women's Procurement Program, giving women-owned businesses greater access to the Federal marketplace.

The bill also takes the first step in modernizing the 8(a) program, which helps minority-owned businesses secure Federal contracts; but it has not been updated in over 20 years. The bill updates the 8(a) program to reflect today's economy so that minority-owned businesses have time to grow and graduate from the initiative.

□ 1100

Finally, H.R. 3867 continues the Democrats' commitment to combating fraud and eliminate wasting taxpayer dollars.

The bill enhances business integrity standards to ensure that taxpayer dollars only go to reputable individuals. It promotes self-policing to allow small businesses to challenge individual program awards. It protects disabled veterans by penalizing firms that falsely represent themselves as service-disabled veteran businesses, and it requires on-site reviews by SBA personnel before HUBZone contracts are awarded.

Madam Speaker, the bill before us today, H.R. 3867, has extremely strong bipartisan support. It passed the Small Business Committee by a vote of 21-4.

Among other organizations, it is supported by the National Federation of Independent Business, the U.S. Hispanic Chamber of Commerce, the National Black Chamber of Commerce, the U.S. Women's Chamber of Commerce, the American Legion and Veterans of Foreign Wars.

I would like to thank Chairwoman VELÁZQUEZ and members of the Small Business Committee for their hard work that went into this piece of legislation.

Madam Speaker, we all recognize the importance of small businesses to our economy. It is imperative that we follow through on our commitments to small business and give them every opportunity we can to succeed.

Madam Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I would like to thank my friend, the gentleman from California (Mr. CARDENAS) for the time, and I would yield myself such time as I may consume.

Small business is the engine that drives our economic strength. The almost 26 million small businesses in the United States employ over half of all private sector workers and pay approximately 45 percent of total U.S. private payroll. Over the last decade, small businesses have generated 60 to 80 percent of net new jobs annually.

Congress, for decades, has acknowledged the important role small businesses play in the Federal procurement process. This is evident in the Small Business Act of 1953. The Act says that, and I quote, "it is the declared policy of the Congress that the government should aid, counsel, assist and protect . . . the interests of small business concerns in order to preserve free competitive enterprise and to ensure that a fair proportion of the total purchases and contracts or subcontracts for property and services for the government . . . be placed with small business enterprises."

In 2006, the Federal Government spent over \$400 billion on goods and services in over 8 million separate contracts. Small businesses won about 80 billion worth of those contracts, a little over 20 percent.

The Veterans Entrepreneurship and Small Business Development Act of 1999 established a goal of 3 percent for Federal contracts awarded to service-disabled veterans. Unfortunately, we have yet to meet that worthy goal.

The underlying legislation being brought to the floor today, H.R. 3867, the Small Business Contracting Improvements Act, seeks to expand procurement opportunities for businesses owned by service-disabled veterans by placing these businesses at the top of the priority list for receiving Federal contracts.

The legislation adjusts the net worth standard for businesses in the 8(a) program for the first time in about 20 years, to \$550,000, so it is more consistent with inflation. To take part in the 8(a) program a business must be owned by citizens who are socially and economically disadvantaged. Participants in the program are eligible for sole source and limited competition government contracts. They also can receive a 10 percent cost advantage in some procurements.

As part of their campaign, Madam Speaker, the new majority spoke often about taking the House of Representatives in a new direction. Unfortunately, that direction seems to be backwards because now the Rules Committee no longer allows Members to present their amendments even if they're a few minutes late. That is a departure from the practice of the Rules Committee under the prior majority.

Last week, several Members attempted to file amendments with the Rules Committee. The majority denied the Members even the ability to file the amendment because they were a few minutes late, thereby denying Members the right even to come before the Rules Committee to speak about the merits of their respective amendments.

Representative KING attempted to file his amendment on-line as required by the committee; however, due to technical issues, he was not able to file the amendment on-line. Representative KING was told by the majority on the Rules Committee that they would waive the electronic filing requirement; however, because he had spent time trying to get the amendment filed electronically, he missed by a few minutes the deadline to physically file the amendment. It's disappointing that the majority would not allow Representative KING to offer his amendment when it was clear he was trying to comply with the filing requirements. Because of technical issues, he was delayed.

I understand the need the majority may have in issuing a deadline. But in the prior majority, Madam Speaker, we always allowed Members to at least file their amendments even if they were past the deadline, and even made some of those amendments in order. It is a shame that the new majority has decided to take a step back and not allow some discretion in this matter.

This new hard-and-fast time requirement is particularly difficult, if not impossible, when a Member is trying to file a second-degree amendment. As you know, Madam Speaker, a second-degree amendment is written to amend an amendment, so that it is not possible to draft such an amendment until the initial amendment was made public, and that list of amendments filed is not made public until after the amendment deadline.

We already saw how the new majority's requirement blocks amendments when, during a previous rule, Representative AKIN was not allowed to offer a second-degree amendment.

It's unfortunate, Madam Speaker, by not allowing Members to even offer amendments in the Rules Committee, we believe that the majority is, in effect, silencing the voices of millions of Americans.

Madam Speaker, I reserve the balance of my time.

Mr. CARDOZA. Madam Speaker, I would respond to my friend from Florida by saying that it is the hard copy being received in Rules Committee that needs to be done by the time that has been specified by the Rules Committee. Timely filed amendments were all made in order on the Republican side for this measure. We certainly look forward to our Republican colleagues filing amendments in committee when we've called for amendments to a bill, and encourage them to file on time.

Madam Speaker, at this time I would yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Madam Speaker, let me thank the distinguished gentleman from California (Mr. CARDOZA), and thank the chairwoman and the ranking member of the full committee on the Small Business Administration, and acknowledge the important step that is being made here today dealing with insuring government contract opportunities for small businesses owned and controlled by service-disabled veterans. We are certainly going to have more of those. And every time you meet with a veterans group they wonder what are the opportunities for them.

Small businesses are the backbone of America and I do support this with legislation. I also hope, however, that this bill does not do harm to the HUBZones that have been used by many small businesses across America. And as we review it, I will look closely at this legislation to ensure that HUBZones are protected.

And I ask the question as to the formula that requires a site visit to the small business and background checks. I know for sure that many in the minority community use a small business as a step of opportunity out of a past that might not have been as they would have liked it to be. People who are rehabilitated who move forward in life should have an opportunity to provide for their families, and I would

hope that that would be the framework of this particular legislation, that we're not doing harm to those opportunities because this is America.

And then I certainly would have wanted to have the amendment that I offered that indicated in times of natural disaster and/or an act of terrorism that small minority and women-owned and disabled veterans businesses be utilized in the area of the disaster. Certainly, if there is a disaster, those small businesses may be impacted. But what we saw in Hurricane Katrina, we saw the misuse of the small businesses who were there, meaning that they did not have the opportunity to, one, save the government money, but, at the same time, do the job on behalf of their community of which they loved. And so I hope that we will be able to work this language in, maybe through conference, because I think it is an important sense of Congress' statement, and I also hope that we will protect those HUBZones and make sure that we reaffirm the opportunities for all small businesses across America.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I would ask my dear friend how many speakers he has remaining.

Mr. CARDOZA. I have one additional speaker that has arrived.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, we reserve.

Mr. CARDOZA. Madam Speaker, I would like to, at this time, yield 2 minutes to the gentlewoman from Arizona (Ms. GIFFORDS).

Ms. GIFFORDS. Madam Speaker, I rise today in support of the Small Business Contracting Program Improvements Act.

Small business, as we all know, is the lifeblood of our communities. Small businesses are responsible for creativity, innovation, and community investment. I honestly believe that a community that has strong small businesses is a strong and vibrant community.

This legislation is going to give small businesses in my home state, southern Arizona, a chance to be competitive with federal contracts, whether it's in Oro Valley down to Green Valley or Tucson all the way to Bisbee and to Douglas.

For example, OfficeSmart in Sierra Vista, was founded in 1993 by Glenn McDaniel, a veteran, along with his wife, Diane. OfficeSmart has 12 employees and nearly 1,000 commercial customers in southern Arizona. They compete for federal contracts and to provide office supplies to Ft. Huachuca.

This bill is going to keep federal contract benefits targeted at local small businesses like OfficeSmart in local communities. It also honors our commitment to disabled veterans.

We know with the wars in Iraq and Afghanistan there will be more and more veterans. This legislation also kick-starts the SBA's Women's Procurement Program.

As a former president, CEO, and small business owner myself, I know

the importance of small businesses and how difficult it is to compete. I strongly support passage of this bill and I urge Members on both sides of the aisle to support it.

Thank you, Madam Chairwoman for your hard work on this committee.

Mr. LINCOLN DIAZ-BALART of Florida. I would ask my friend if he has no other speakers.

Mr. CARDOZA. No other speakers. We will be ready to close.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I will be asking for a "no" vote on the previous question so that we can amend this rule and move toward passing a conference report on the bipartisan Military Construction and Veterans Affairs Appropriations Act.

The House of Representatives passed the veterans and military funding bill on June 15 of this year by a vote of 409-2, with the Senate following suit and naming conferees on September 6 of this year. Unfortunately, the majority leadership in the House has refused to move forward on this bill and name conferees.

Why has the majority decided to hold off on moving this bill, with bipartisan support, because that's what this is. This legislation has extraordinary bipartisan support. It was almost unanimously passed by this House.

Why has the majority decided to hold off on moving this bill forward?

Well, according to several publications, Madam Speaker, including Roll Call, the majority intends to hold back from sending appropriations bills to President Bush so that they can use an upcoming anticipated veto of one such bill, the Labor-HHS appropriations bill to serve as an, and I quote, "an extension of their successful public relations campaign on the SCHIP program."

□ 1115

So for purely partisan tactical reasons, Madam Speaker, the majority is holding back from sending to the President legislation to fund our veterans and military construction.

Now, recently, Madam Speaker, Republican Leader BOEHNER took a step towards naming House Republican conferees. Now, Speaker PELOSI should follow suit and take the steps necessary to ensure that work can begin on writing the final veterans funding bill that can be enacted into law.

Madam Speaker, every day that the majority chooses not to act to move this legislation forward, our Nation's veterans lose \$18.5 million. Our veterans deserve better than partisan bickering holding back their funding. So I urge my colleagues to help move this important bipartisan legislation forward.

But, frankly, Madam Speaker, it is an unfortunate fact to have to report that this is the first time in 20 years where we have reached this date, end of October, and we are still waiting for the first spending bill to be sent to the President for his signature. It is most unfortunate. Most unfortunate.

So I urge my colleagues to help move the important legislation, the spending bill with regard to veterans and military construction, to move it forward, to send it to the President, to appoint conferees so that the final product can be sent to the President.

For that reason, Madam Speaker, we oppose the previous question and urge all of our colleagues to join us in doing so.

Madam Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately 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.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I yield back the balance of my time.

Mr. CARDOZA. Madam Speaker, the gentleman from Florida, my friend, has indicated that we are not adequately funding our Nation's veterans. I would like to remind the gentleman, my good friend, that the recent Republican-led Congress shortchanged veterans funding by failing to provide sufficient increases to keep up with VA's growing number of patients and the rising cost of health care while they were in charge.

In the summer of 2005, the VA confronted a \$1.5 billion shortfall as they significantly underestimated the health care needs of the new veterans returning from Iraq and Afghanistan. This year the VA expects to treat 5.8 million patients, 1.6 million more than in 2001.

The new Congress, under the Democratic majority, committed to taking the country in a new direction. For 2007, the Democratic-held Congress increased veterans funding by \$5.2 billion, and the Congress is proposing an additional increase of \$3.8 billion more than the President in fiscal year 2008. That is the largest increase in veterans funding in 77 years.

The Democratic Congress once again is bringing to the floor a bill that provides real solutions to the obstacles facing America's small business owners, innovators, and entrepreneurs. H.R. 3867 ensures that veterans, women, and minority-owned businesses and other underrepresented entrepreneurs receive the assistance they need to thrive in the Federal marketplace. It also paves the way for them to develop their companies, create jobs, and give a much-needed jolt to our economy.

Madam Speaker, securing a Federal contract is a major boon for entrepreneurs, especially those owned by minority and veteran small businesses. This bill is yet another step towards ensuring that these businesses are not, in fact, left behind, but rather given every opportunity to succeed.

I appreciate the debate with my friend from Florida, and I urge a "yes" vote on the rule and on the previous question.

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

AMENDMENT TO H. RES. 773 OFFERED BY MR. LINCOLN DIAZ-BALART

At the end of the resolution, add the following:

SEC. 3. The House disagrees to the Senate amendment to the bill, H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, and agrees to the conference requested by the Senate thereon. The Speaker shall appoint conferees immediately, but may declare a recess under clause 12(a) of rule I for the purpose of consulting the Minority Leader prior to such appointment. The motion to instruct conferees otherwise in order pending the appointment of conferees instead shall be in order only at a time designated by the Speaker in the legislative schedule within two additional legislative days after adoption of this resolution.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

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

Mr. CARDOZA. Madam 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. 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 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question on House Resolution 773 will be followed by 5-minute votes on adopting House Resolution 773, if ordered; suspending the rules and concurring in the Senate amendment to H.R. 3678; and suspending the rules and passing House Joint Resolution 58.

The vote was taken by electronic device, and there were—yeas 216, nays 180, not voting 36, as follows:

[Roll No. 1013]

YEAS—216

Abercrombie	Cohen	Green, Al
Ackerman	Conyers	Green, Gene
Allen	Cooper	Grijalva
Altman	Costa	Gutierrez
Andrews	Costello	Hall (NY)
Arcuri	Courtney	Hare
Baca	Crowley	Harman
Baird	Cuellar	Hastings (FL)
Baldwin	Cummings	Herseth Sandlin
Bean	Davis (AL)	Higgins
Becerra	Davis (CA)	Hinchey
Berkley	Davis (IL)	Hirono
Berman	Davis, Lincoln	Hodes
Berry	DeFazio	Holden
Bishop (GA)	DeGette	Holt
Bishop (NY)	Delahunt	Honda
Blumenauer	DeLauro	Hooley
Boren	Dicks	Hoyer
Boswell	Dingell	Israel
Boucher	Doggett	Jackson (IL)
Boyd (FL)	Donnelly	Jackson-Lee
Boyd (KS)	Doyle	(TX)
Brady (PA)	Edwards	Johnson (GA)
Braley (IA)	Ellison	Johnson, E. B.
Brown, Corrine	Ellsworth	Jones (OH)
Butterfield	Emanuel	Kagen
Capps	Eshoo	Kaptur
Capuano	Etheridge	Kennedy
Cardoza	Farr	Kildee
Carnahan	Fattah	Kilpatrick
Carney	Filner	Kind
Castor	Frank (MA)	Klein (FL)
Chandler	Giffords	Langevin
Clarke	Gillibrand	Lantos
Clay	Gonzalez	Larsen (WA)
Clyburn	Gordon	Larson (CT)

Lee	Neal (MA)	Sherman	Wicker	Wilson (SC)	Young (AK)	Buchanan	Green, Gene	McNerney
Levin	Oberstar	Shuler	Wilson (NM)	Wolf	Young (FL)	Burgess	Grijalva	McNulty
Lewis (GA)	Obey	Sires				Burton (IN)	Gutierrez	Meek (FL)
Lipinski	Olver	Skelton				Butterfield	Hall (NY)	Meeks (NY)
Loebsack	Ortiz	Slaughter	Bono	Hunter	Paul	Buyer	Hall (TX)	Melancon
Lofgren, Zoe	Pallone	Smith (WA)	Carson	Inslee	Price (GA)	Calvert	Hare	Mica
Lowey	Pascrall	Snyder	Cleaver	Issa	Roskam	Camp (MI)	Harman	Michaud
Lynch	Pastor	Solis	Cola (OK)	Jefferson	Shuster	Campbell (CA)	Hastert	Miller (FL)
Mahoney (FL)	Payne	Spratt	Cramer	Jindal	Simpson	Cannon	Hastings (FL)	Miller (MI)
Maloney (NY)	Perlmutter	Stupak	Cubin	Johnson (IL)	Souder	Cantor	Hastings (WA)	Miller (NC)
Markey	Peterson (MN)	Sutton	Deal (GA)	Kanjorski	Space	Capito	Hayes	Miller, Gary
Marshall	Pomeroy	Tanner	Engel	Kucinich	Stark	Capps	Heller	Miller, George
Matheson	Price (NC)	Tauscher	Granger	Lampson	Tancredo	Capuano	Hensarling	Mitchell
Matsui	Rahall	Taylor	Hinojosa	Mack	Waxman	Cardoza	Herger	Mollohan
McCarthy (NY)	Rangel	Thompson (CA)	Hoekstra	Musgrave	Weller	Carnahan	Herseth Sandlin	Moore (KS)
McCullom (MN)	Reyes	Thompson (MS)	Hulshof	Myrick	Wilson (OH)	Carney	Higgins	Moore (WI)
McDermott	Richardson	Tierney				Carter	Hill	Moran (KS)
McGovern	Rodriguez	Towns				Castle	Hinchey	Moran (VA)
McIntyre	Ross	Tsangas				Castor	Hirono	Murphy (CT)
McNerney	Rothman	Udall (CO)				Chabot	Hobson	Murphy, Patrick
McNulty	Royal-Allard	Udall (NM)				Chandler	Hodes	Murphy, Tim
Meek (FL)	Ruppersberger	Van Hollen				Clarke	Holden	Murtha
Meeks (NY)	Rush	Velázquez				Clay	Holt	Nadler
Melancon	Ryan (OH)	Visclosky				Cleaver	Honda	Napolitano
Michaud	Salazar	Walz (MN)				Clyburn	Hooley	Neal (MA)
Miller (NC)	Sánchez, Linda	Wasserman				Coble	Hoyer	Neugebauer
Miller, George	T.	Schultz				Cohen	Hunter	Nunes
Mitchell	Sanchez, Loretta	Waters				Conaway	Ingles (SC)	Oberstar
Mollohan	Sarbanes	Watson				Conyers	Israel	Obey
Moore (KS)	Schakowsky	Watt				Cooper	Jackson (IL)	Olver
Moore (WI)	Schiff	Weiner				Costa	Jackson-Lee	Ortiz
Moran (VA)	Schwartz	Welch (VT)				Costello	(TX)	Pallone
Murphy (CT)	Scott (GA)	Wexler				Courtney	Johnson (GA)	Pascrall
Murphy, Patrick	Scott (VA)	Woolsey				Crenshaw	Johnson, E. B.	Pastor
Murtha	Serrano	Wu				Crowley	Johnson, Sam	Payne
Nadler	Sestak	Wynn				Cueilar	Jones (NC)	Pearce
Napolitano	Shea-Porter	Yarmuth				Culberson	Jordan	Pence

## NAYS—180

Aderholt	Forbes	Miller (MI)						
Akin	Fortenberry	Miller, Gary						
Alexander	Fossella	Moran (KS)						
Bachmann	Foxx	Murphy, Tim						
Bachus	Franks (AZ)	Neugebauer						
Baker	Frelinghuysen	Nunes						
Barrett (SC)	Gallegly	Pearce						
Barrow	Garrett (NJ)	Pence						
Bartlett (MD)	Gerlach	Peterson (PA)						
Barton (TX)	Gilchrest	Petri						
Biggert	Gingrey	Pickering						
Bilbray	Gohmert	Pitts						
Bilirakis	Goode	Platts						
Bishop (UT)	Goodlatte	Poe						
Blackburn	Graves	Porter						
Blunt	Hall (TX)	Pryce (OH)						
Boehner	Hastert	Putnam						
Bonner	Hastings (WA)	Radanovich						
Boozman	Hayes	Ramstad						
Boustany	Heller	Regula						
Brady (TX)	Hensarling	Rehberg						
Brown (GA)	Herger	Reichert						
Brown (SC)	Hill	Reichert						
Brown-Waite,	Hobson	Renzi						
Ginny	Inglis (SC)	Reynolds						
Buchanan	Johnson, Sam	Rogers (AL)						
Burgess	Jones (NC)	Rogers (KY)						
Burton (IN)	Jordan	Rogers (MI)						
Buyer	Keller	Rohrabacher						
Calvert	King (IA)	Ros-Lehtinen						
Camp (MI)	King (NY)	Royce						
Campbell (CA)	Kingston	Ryan (WI)						
Cannon	Kirk	Sali						
Cantor	Kline (MN)	Saxton						
Capito	Knollenberg	Schmidt						
Carter	Kuhl (NY)	Sensenbrenner						
Castle	LaHood	Sensenbrenner						
Chabot	Lamborn	Sessions						
Coble	Latham	Shadegg						
Conaway	LaTourette	Shays						
Crenshaw	Lewis (CA)	Shimkus						
Culberson	Lewis (KY)	Smith (NE)						
Davis (KY)	Linder	Smith (NJ)						
Davis, David	LoBiondo	Smith (TX)						
Davis, Tom	Lucas	Stearns						
Dent	Lungren, Daniel	Sullivan						
Diaz-Balart, L.	E.	Terry						
Diaz-Balart, M.	Manzullo	Thornberry						
Doolittle	Marchant	Tiaht						
Drake	McCarthy (CA)	Tiberti						
Dreier	McCaul (TX)	Turner						
Duncan	McCotter	Upton						
Ehlers	McCrery	Walberg						
Emerson	McHenry	Walden (OR)						
English (PA)	McHugh	Walsh (NY)						
Everett	McKeon	Wamp						
Fallin	McMorris	Warden (FL)						
Feeney	Rodgers	Westmoreland						
Ferguson	Mica	Whitfield						
Flake	Miller (FL)							

## □ 1146

Mr. GINGREY and Mr. BLUNT changed their vote from "yea" to "nay."

Mr. COOPER and Mr. McDERMOTT changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## MESSAGE FROM THE SENATE

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

S. 2258. An act to temporarily extend the programs under the Higher Education Act of 1965, to amend the definition of an eligible not-for-profit holder, and for other purposes.

## INTERNET TAX FREEDOM ACT AMENDMENTS ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and concur in the Senate amendment to the bill, H.R. 3678, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 3678.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 402, nays 0, not voting 30, as follows:

[Roll No. 1014]

## YEAS—402

Abercrombie	Bartlett (MD)	Bonner	Frank (MA)	Matheson	McCarthy (CA)	McDermott	Sessions
Ackerman	Barton (TX)	Bono	Franks (AZ)	McAuliffe	McCarthy (NY)	McNulty	Schakowsky
Aderholt	Bean	Boozman	McGalley	McCarthy (TX)	McCarthy (NY)	McNulty	Schmidt
Akin	Becerra	Boren	McGarrett	McCaul (TX)	McCarthy (NY)	McNulty	Schultz
Alexander	Berkley	Boswell	McCormick	McCaul (TX)	McCarthy (NY)	McNulty	Scott (GA)
Allen	Berman	Boucher	McCauliffe	McCaul (TX)	McCarthy (NY)	McNulty	Scott (VA)
Altmore	Berry	Boustany	Giffords	McCaul (TX)	McCarthy (NY)	McNulty	Sensenbrenner
Andrews	Biggert	Boyd (FL)	Gillibrand	McCaul (TX)	McCarthy (NY)	McNulty	Serrano
Arcuri	Bilbray	Boyd (KS)	Gingrey	McCaul (TX)	McCarthy (NY)	McNulty	Shay
Baca	Bilirakis	Brady (PA)	Gohmert	McCaul (TX)	McCarthy (NY)	McNulty	Shay
Bachmann	Bishop (GA)	Brady (TX)	Gohmert	McCaul (TX)	McCarthy (NY)	McNulty	Shay
Bachus	Bishop (NY)	Braley (IA)	Gonzalez	McCaul (TX)	McCarthy (NY)	McNulty	Shay
Baird	Bishop (UT)	Brown (GA)	Goodlatte	McCaul (TX)	McCarthy (NY)	McNulty	Shay
Baker	Blackburn	Brown (SC)	Gordon	McCaul (TX)	McCarthy (NY)	McNulty	Shay
Baldwin	Blumenauer	Brown, Corrine	Graves	McCaul (TX)	McCarthy (NY)	McNulty	Shay
Barrett (SC)	Blunt	Brown-Waite,	Green, Al	McCaul (TX)	McCarthy (NY)	McNulty	Shay
Barrow	Boehner	Ginny	Rodgers	McCaul (TX)	McCarthy (NY)	McNulty	Shay