

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

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

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

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

Ms. MATSUI. 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. LINCOLN DIAZ-BALART of Florida. 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.

□ 1215

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Approval of the Journal, de novo;

Ordering the previous question on H. Res. 1001, by the yeas and nays;

Adoption of H. Res. 1001.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

THE JOURNAL

The SPEAKER pro tempore. The unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on agreeing to the Speaker's approval of the Journal.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. 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 217, nays 185, answered "present" 1, not voting 25, as follows:

[Roll No. 79]

YEAS—217

Abercrombie	Davis (IL)	Jackson (IL)
Ackerman	Davis, Lincoln	Jackson-Lee
Allen	DeFazio	(TX)
Andrews	DeGette	Jefferson
Arcuri	DeLauro	Johnson (GA)
Baca	Dent	Johnson (IL)
Baird	Dicks	Johnson, E. B.
Baldwin	Dingell	Kagen
Bean	Doyle	Kanjorski
Becerra	Doggett	Kaptur
Berkley	Doyle	Kennedy
Berman	Edwards	Kildee
Berry	Ellison	Kilpatrick
Bishop (GA)	Emanuel	Kind
Bishop (NY)	Engel	Klein (FL)
Blumenauer	Eshoo	Kucinich
Boren	Etheridge	Lampson
Boswell	Farr	Langevin
Boucher	Fattah	Larsen (WA)
Boyd (FL)	Filner	Larson (CT)
Boyd (KS)	Fortenberry	Latham
Brady (PA)	Gerlach	Lee
Brown, Corrine	Gonzalez	Levin
Buchanan	Goodlatte	Lewis (GA)
Butterfield	Green, Al	Lipinski
Capps	Green, Gene	Loeb
Capuano	Grijalva	Lofgren, Zoe
Cardoza	Gutierrez	Lowey
Carnahan	Hall (NY)	Lynch
Castle	Hare	Mahoney (FL)
Castor	Harman	Maloney (NY)
Clarke	Hastings (FL)	Markey
Cleaver	Hereth Sandlin	Marshall
Clyburn	Higgins	Matsui
Cohen	Hill	McCarthy (NY)
Conyers	Hinchey	McCollum (MN)
Cooper	Hinojosa	McDermott
Costa	Hirono	McGovern
Costello	Hodes	McIntyre
Courtney	Holden	McNerney
Cramer	Holt	McNulty
Crowley	Honda	Meek (FL)
Cuellar	Hookey	Meeks (NY)
Cummings	Hoyer	Melancon
Davis (AL)	Inslee	Michaud
Davis (CA)	Israel	Miller, George

Mollohan	Rothman	Tanner
Moore (KS)	Roybal-Allard	Tauscher
Moore (WI)	Ruppersberger	Taylor
Moran (VA)	Rush	Thompson (MS)
Murphy (CT)	Salazar	Tierney
Murphy, Patrick	Sánchez, Linda	Towns
Murtha	T.	Tsongas
Nadler	Sanchez, Loretta	Udall (NM)
Napolitano	Sarbanes	Van Hollen
Neal (MA)	Schakowsky	Velázquez
Oberstar	Schiff	Visclosky
Obey	Schwartz	Walberg
Olver	Scott (GA)	Walz (MN)
Ortiz	Scott (VA)	Wasserman
Pallone	Serrano	Schultz
Pascarella	Sestak	Waters
Pastor	Shea-Porter	Watson
Payne	Sherman	Watt
Perlmutter	Shuster	Waxman
Peterson (PA)	Sires	Weiner
Pickering	Skelton	Welch (VT)
Pomeroy	Smith (WA)	Wexler
Price (NC)	Snyder	Wilson (OH)
Rahall	Solis	Wu
Rangel	Space	Wynn
Richardson	Spratt	Yarmuth
Rodriguez	Stark	
Ross	Sutton	

NAYS—185

Akin	Frelinghuysen	Pence
Alexander	Galleghy	Peterson (MN)
Altmire	Giffords	Petri
Bachmann	Gilchrest	Pitts
Bachus	Gillibrand	Platts
Barrett (SC)	Goode	Poe
Barrow	Gordon	Porter
Bartlett (MD)	Granger	Price (GA)
Biggert	Graves	Pryce (OH)
Bilbray	Hall (TX)	Putnam
Bilirakis	Hastings (WA)	Radanovich
Bishop (UT)	Hayes	Ramstad
Blackburn	Heller	Regula
Blunt	Hensarling	Rehberg
Boehner	Herger	Reichert
Bonner	Hobson	Reynolds
Bono Mack	Hoekstra	Rogers (AL)
Boozman	Hulshof	Rogers (KY)
Boustany	Inglis (SC)	Rogers (MI)
Brady (TX)	Issa	Rohrabacher
Broun (GA)	Johnson, Sam	Ros-Lehtinen
Brown (SC)	Jones (NC)	Roskam
Burgess	Jordan	Royce
Burton (IN)	King (IA)	Ryan (WI)
Buyer	King (NY)	Sali
Calvert	Kingston	Saxton
Camp (MI)	Kirk	Schmidt
Campbell (CA)	Kline (MN)	Sensenbrenner
Cannon	Knollenberg	Sessions
Cantor	Kuhl (NY)	Shadegg
Capito	LaHood	Shays
Carney	Lamborn	Shimkus
Carter	LaTourette	Shuler
Chabot	Latta	Simpson
Chandler	Lewis (CA)	Smith (NE)
Coble	Lewis (KY)	Smith (NJ)
Cole (OK)	Linder	Smith (TX)
Crenshaw	LoBiondo	Souder
Culberson	Lucas	Stearns
Davis (KY)	Mack	Stupak
Davis, David	Manzullo	Tancred
Davis, Tom	Marchant	Terry
Deal (GA)	Matheson	Thompson (CA)
Diaz-Balart, L.	McCarthy (CA)	Thornberry
Donnelly	McCaul (TX)	Tiahrt
Doolittle	McCotter	Tiberi
Drake	McCrery	Turner
Dreier	McHenry	Upton
Duncan	McHugh	Walden (OR)
Ehlers	McKeon	Walsh (NY)
Ellsworth	Mica	Wamp
Emerson	Miller (FL)	Weldon (FL)
English (PA)	Miller (MI)	Weller
Everett	Miller, Gary	Westmoreland
Fallin	Mitchell	Whitfield (KY)
Feeney	Moran (KS)	Wilson (NM)
Ferguson	Murphy, Tim	Wilson (SC)
Flake	Musgrave	Wittman (VA)
Forbes	Myrick	Wolf
Fossella	Neugebauer	Young (AK)
Fox	Nunes	Young (FL)
Franks (AZ)	Paul	

ANSWERED "PRESENT"—1

Gohmert

NOT VOTING—25

Aderholt	Braley (IA)	Brown-Waite,
Barton (TX)		Ginny

Clay
Conaway
Cubin
Diaz-Balart, M.
Frank (MA)
Garrett (NJ)
Gingrey
Hunter

Jones (OH)
Keller
Lungren, Daniel
E.
McMorris
Rodgers
Miller (NC)
Pearce

Renzi
Reyes
Ryan (OH)
Slaughter
Sullivan
Udall (CO)
Woolsey

□ 1239

Ms. GRANGER and Messrs. RYAN of Wisconsin, THOMPSON of California, and RAMSTAD changed their vote from “yea” to “nay.”

Mr. WATT changed his vote from “nay” to “yea.”

So the Journal was approved.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 5351, RENEWABLE ENERGY AND ENERGY CONSERVATION TAX ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1001, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 214, nays 189, not voting 25, as follows:

[Roll No. 80]

YEAS—214

Abercrombie	Delahunt	Kagen
Ackerman	DeLauro	Kanjorski
Allen	Dicks	Kaptur
Altmire	Dingell	Kennedy
Andrews	Doggett	Kilpatrick
Arcuri	Doyle	Kind
Baca	Edwards	Klein (FL)
Baird	Ellison	Kucinich
Baldwin	Ellsworth	Langevin
Becerra	Emanuel	Larsen (WA)
Berkley	Engel	Larson (CT)
Berman	Eshoo	Lee
Berry	Etheridge	Levin
Bishop (GA)	Farr	Lewis (GA)
Bishop (NY)	Fattah	Lipinski
Blumenauer	Filner	Loeb
Boswell	Frank (MA)	Loeb
Boucher	Giffords	Lofgren, Zoe
Boyd (FL)	Gillibrand	Lowey
Boyd (KS)	Gonzalez	Mahoney (FL)
Brady (PA)	Gordon	Maloney (NY)
Braley (IA)	Green, Al	Markey
Brown, Corrine	Green, Gene	Marshall
Butterfield	Grijalva	Matheson
Capps	Gutierrez	Matsui
Capuano	Hall (NY)	McCarthy (NY)
Cardoza	Hare	McCollum (MN)
Carnahan	Harman	McDermott
Carney	Hastings (FL)	McGovern
Castor	Herseth Sandlin	McIntyre
Chandler	Higgins	McNulty
Clarke	Hinchee	Meek (FL)
Clay	Hinojosa	Meeks (NY)
Cleaver	Hirono	Melancon
Clyburn	Hodes	Michaud
Cohen	Holden	Miller, George
Cooper	Holt	Mitchell
Costa	Honda	Mollohan
Costello	Hookey	Moore (KS)
Courtney	Hoyer	Moore (WI)
Crowley	Inslee	Moran (VA)
Cuellar	Israel	Murphy (CT)
Cummings	Jackson (IL)	Murphy, Patrick
Davis (AL)	Jackson-Lee	Murtha
Davis (CA)	(TX)	Nadler
Davis (IL)	Jefferson	Napolitano
DeFazio	Johnson (GA)	Neal (MA)
DeGette	Johnson, E. B.	

Oberstar	Sarbanes	Thompson (CA)
Obey	Schakowsky	Thompson (MS)
Oliver	Schiff	Tierney
Ortiz	Schwartz	Towns
Pallone	Scott (GA)	Tsongas
Pascarell	Scott (VA)	Udall (NM)
Pastor	Serrano	Van Hollen
Payne	Sestak	Velázquez
Perlmutter	Shea-Porter	Visclosky
Peterson (MN)	Sherman	Walz (MN)
Pomeroy	Shuler	Wasserman
Price (NC)	Sires	Schultz
Rahall	Skelton	Waters
Rangel	Slaughter	Watson
Richardson	Smith (WA)	Watt
Rodriguez	Snyder	Waxman
Ross	Solis	Weiner
Rothman	Space	Welch (VT)
Roybal-Allard	Spratt	Wexler
Ruppersberger	Stark	Wilson (OH)
Rush	Stupak	Wu
Salazar	Sutton	Wynn
Sánchez, Linda	Tanner	Yarmuth
T.	Tauscher	
Sanchez, Loretta	Taylor	

NAYS—189

Akin	Franks (AZ)	Neugebauer
Alexander	Frelinghuysen	Nunes
Bachmann	Gallagher	Paul
Barrett (SC)	Gerlach	Pearce
Barrow	Gilchrest	Pence
Bartlett (MD)	Gingrey	Peterson (PA)
Barton (TX)	Gohmert	Petri
Bean	Goode	Pitts
Biggert	Goodlatte	Platts
Bilirakis	Granger	Poe
Bishop (UT)	Graves	Porter
Blackburn	Hall (TX)	Price (GA)
Blunt	Hastings (WA)	Pryce (OH)
Boehner	Hayes	Putnam
Bonner	Heller	Radanovich
Bono Mack	Hensarling	Ramstad
Boozman	Hill	Regula
Boren	Hobson	Rehberg
Boustany	Hoekstra	Reichert
Brady (TX)	Hulshof	Reynolds
Broun (GA)	Hunter	Rogers (AL)
Brown (SC)	Inglis (SC)	Rogers (MI)
Buchanan	Issa	Rohrabacher
Burgess	Johnson (IL)	Ros-Lehtinen
Burton (IN)	Johnson, Sam	Roskam
Buyer	Jones (NC)	Ryan (WI)
Calvert	Jordan	Sali
Camp (MI)	King (IA)	Saxton
Campbell (CA)	King (NY)	Schmidt
Cannon	Kingston	Sensenbrenner
Cantor	Kirk	Sessions
Capito	Kline (MN)	Shadegg
Carter	Knollenberg	Shays
Castle	Kuhl (NY)	Shimkus
Chabot	LaHood	Shuster
Coble	Lamborn	Simpson
Cole (OK)	Lampson	Smith (NE)
Conaway	Latham	Smith (NJ)
Cramer	LaTourette	Smith (TX)
Crenshaw	Latta	Souder
Culberson	Lewis (CA)	Stearns
Davis (KY)	Lewis (KY)	Sullivan
Davis, David	Linder	Tancred
Davis, Tom	LoBiondo	Terry
Deal (GA)	Lucas	Thornberry
Dent	Mack	Tiahrt
Diaz-Balart, L.	Manzullo	Tiberi
Donnelly	Marchant	Turner
Drake	McCarthy (CA)	Upton
Dreier	McCauley (TX)	Walberg
Duncan	McCotter	Walden (OR)
Ehlers	McCrery	Walsh (NY)
Emerson	McHenry	Wamp
English (PA)	McHugh	Weldon (FL)
Everett	McKeon	Weller
Fallin	Mica	Westmoreland
Feeney	Miller (FL)	Whitfield (KY)
Ferguson	Miller (MI)	Wilson (NM)
Flake	Miller, Gary	Wilson (SC)
Forbes	Moran (KS)	Wittman (VA)
Forrestberry	Murphy, Tim	Wolf
Fossella	Murphy, Tim	Young (AK)
Fox	Myrick	Young (FL)

NOT VOTING—25

Davis, Lincoln	Lungren, Daniel
Diaz-Balart, M.	E.
Doolittle	Lynch
Garrett (NJ)	McMorris
Herger	Rodgers
Jones (OH)	Miller (NC)
Keller	Pickering

Renzi	Royce	Woolsey
Reyes	Ryan (OH)	
Rogers (KY)	Udall (CO)	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1245

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. ROYCE. Mr. Speaker, on rollcall No. 80, I was unavoidably detained. Had I been present, I would have voted “nay.”

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 220, nays 188, not voting 20, as follows:

[Roll No. 81]

YEAS—220

Abercrombie	Doyle	Lewis (GA)
Ackerman	Edwards	Lipinski
Allen	Ellison	Loeb
Altmire	Ellsworth	Lofgren, Zoe
Andrews	Emanuel	Lowey
Arcuri	Engel	Lynch
Baca	Eshoo	Mahoney (FL)
Baird	Etheridge	Maloney (NY)
Baldwin	Farr	Markey
Barrow	Fattah	Marshall
Bean	Filner	Matheson
Becerra	Frank (MA)	Matsui
Berkley	Giffords	McCarthy (NY)
Berman	Gillibrand	McCollum (MN)
Bishop (GA)	Gonzalez	McDermott
Bishop (NY)	Gordon	McGovern
Blumenauer	Green, Al	McIntyre
Boren	Green, Gene	McNulty
Boswell	Grijalva	Meek (FL)
Boucher	Gutierrez	Meeks (NY)
Boyd (FL)	Hall (NY)	Melancon
Boyda (KS)	Hare	Michaud
Brady (PA)	Harman	Miller, George
Braley (IA)	Hastings (FL)	Mitchell
Brown, Corrine	Herseth Sandlin	Mollohan
Butterfield	Higgins	Moore (KS)
Capps	Hinchee	Moore (WI)
Capuano	Hinojosa	Moran (VA)
Cardoza	Hirono	Hodes
Carnahan	Holden	Murphy (CT)
Carney	Holt	Murphy, Patrick
Castor	Honda	Murtha
Chandler	Hookey	Nadler
Clarke	Hoyer	Napolitano
Clay	Inslee	Neal (MA)
Cleaver	Israel	Oberstar
Clyburn	Jackson (IL)	Obey
Cohen	Jackson-Lee	Oliver
Cooper	(TX)	Ortiz
Costa	Jefferson	Pallone
Costello	Johnson (GA)	Pascarell
Courtney	Johnson, E. B.	Pastor
Cramer	Kagen	Payne
Crowley	Kanjorski	Perlmutter
Cuellar	Kaptur	Peterson (MN)
Cummings	Kennedy	Pomeroy
Davis (AL)	Kildee	Price (NC)
Davis (IL)	Kilpatrick	Rahall
Davis, Lincoln	Kind	Rangel
DeFazio	Klein (FL)	Richardson
DeGette	Kucinich	Rodriguez
Delahunt	Lampson	Ross
DeLauro	Langevin	Rothman
Dicks	Larsen (WA)	Roybal-Allard
Dingell	Larson (CT)	Ruppersberger
Doggett	Lee	Rush
Donnelly	Levin	Salazar