

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 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. McGOVERN. 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.

□ 1130

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, 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 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, I object to the vote on the grounds that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on approval of the Journal will be followed by 5-minute votes on ordering the previous question on H. Res. 1065 and adoption of H. Res. 1065.

The vote was taken by electronic device, and there were—yeas 232, nays 177, answered "present" 1, not voting 20, as follows:

[Roll No. 153]

YEAS—232

| | | |
|----------------|----------------|--------------|
| Abercrombie | Butterfield | DeGette |
| Ackerman | Capito | Delahunt |
| Allen | Capps | Dent |
| Andrews | Capuano | Dicks |
| Arcuri | Cardoza | Dingell |
| Baca | Carnahan | Doggett |
| Bachmann | Carney | Donnelly |
| Baird | Carson | Doyle |
| Baldwin | Castor | Edwards |
| Barton (TX) | Chandler | Ellison |
| Bean | Clarke | Ellsworth |
| Becerra | Clay | Emanuel |
| Berkley | Cleaver | Engel |
| Berman | Clyburn | English (PA) |
| Berry | Cohen | Eshoo |
| Bishop (GA) | Conyers | Etheridge |
| Bishop (NY) | Cooper | Farr |
| Blumenauer | Costa | Filmer |
| Boren | Costello | Foster |
| Boswell | Courtney | Frank (MA) |
| Boucher | Cramer | Gillibrand |
| Boyd (FL) | Crowley | Gonzalez |
| Boyd (KS) | Cuellar | Goodlatte |
| Brady (PA) | Cummings | Gordon |
| Brady (IA) | Davis (AL) | Green, Al |
| Brown, Corrine | Davis (CA) | Green, Gene |
| Brown-Waite, | Davis (IL) | Grijalva |
| Ginny | Davis, Lincoln | Gutierrez |
| Buchanan | DeFazio | Hall (NY) |

| | | |
|-----------------|-----------------|------------------|
| Hare | Matsui | Sanchez, Loretta |
| Harman | McCarthy (NY) | Sarbanes |
| Hastings (FL) | McCollum (MN) | Schakowsky |
| Herseth Sandlin | McDermott | Schiff |
| Higgins | McGovern | Schwartz |
| Hill | McIntyre | Scott (GA) |
| Hinojosa | McNerney | Scott (VA) |
| Hirono | McNulty | Serrano |
| Hodes | Meek (FL) | Sestak |
| Holden | Meeks (NY) | Shea-Porter |
| Holt | Melancon | Sherman |
| Honda | Mica | Shuster |
| Hooley | Michaud | Sires |
| Hoyer | Miller (NC) | Skelton |
| Israel | Miller, George | Slaughter |
| Jackson (IL) | Mollohan | Smith (WA) |
| Jackson-Lee | Moore (KS) | Snyder |
| (TX) | Moore (WI) | Solis |
| Johnson (GA) | Moran (VA) | Space |
| Johnson (IL) | Murphy (CT) | Spratt |
| Johnson, E. B. | Murphy, Patrick | Stark |
| Jones (OH) | Murtha | Sutton |
| Kagen | Nadler | Tanner |
| Kanjorski | Napolitano | Taylor |
| Kaptur | Neal (MA) | Thompson (MS) |
| Kennedy | Obey | Tierney |
| Kildee | Oliver | Towns |
| Kilpatrick | Ortiz | Tsongas |
| Kind | Pallone | Van Hollen |
| Klein (FL) | Pascarell | Velázquez |
| Kucinich | Pastor | Visclosky |
| Kuhl (NY) | Paul | Walberg |
| Lampson | Payne | Walsh (NY) |
| Langevin | Perlmuter | Walz (MN) |
| Larsen (WA) | Peterson (MN) | Wasserman |
| Larson (CT) | Pomeroy | Schultz |
| Latham | Price (NC) | Waters |
| Lee | Rahall | Watson |
| Levin | Rangel | Watt |
| Lewis (GA) | Reyes | Waxman |
| Lipinski | Richardson | Weiner |
| Loebuck | Rodriguez | Welch (VT) |
| Lofgren, Zoe | Ross | Wexler |
| Lowe | Rothman | Whitfield (KY) |
| Lungren, Daniel | Roybal-Allard | Wilson (NM) |
| E. | Ruppersberger | Wilson (OH) |
| Lynch | Ryan (OH) | Woolsey |
| Mahoney (FL) | Salazar | Wu |
| Markey | Sanchez, Linda | Wynn |
| Matheson | T. | Yarmuth |

NAYS—177

| | | |
|-----------------|---------------|---------------|
| Aderholt | Drake | Knollenberg |
| Akin | Dreier | LaHood |
| Alexander | Duncan | Lamborn |
| Altmire | Ehlers | LaTourette |
| Bachus | Everett | Latta |
| Barrett (SC) | Fallin | Lewis (CA) |
| Barrow | Feeney | Lewis (KY) |
| Bartlett (MD) | Ferguson | Linder |
| Biggart | Flake | LoBiondo |
| Bilbray | Forbes | Lucas |
| Bilirakis | Fortenberry | Mack |
| Bishop (UT) | Fossella | Manzullo |
| Blackburn | Fox | Marchant |
| Blunt | Franks (AZ) | Marshall |
| Boehner | Frelinghuysen | McCarthy (CA) |
| Bonner | Gallegly | McCaul (TX) |
| Bono Mack | Garrett (NJ) | McCotter |
| Boozman | Gerlach | McCrery |
| Boustany | Gilchrest | McHenry |
| Brady (TX) | Gingrey | McHugh |
| Brown (GA) | Goode | McKeon |
| Brown (SC) | Graves | McMorris |
| Burgess | Hall (TX) | Rodgers |
| Burton (IN) | Hastings (WA) | Miller (MI) |
| Buyer | Hayes | Miller, Gary |
| Calvert | Heller | Mitchell |
| Camp (MI) | Hensarling | Moran (KS) |
| Campbell (CA) | Herger | Murphy, Tim |
| Cannon | Hobson | Musgrave |
| Carter | Hoekstra | Myrick |
| Castle | Hulshof | Neugebauer |
| Chabot | Hunter | Nunes |
| Coble | Inglis (SC) | Pearce |
| Cole (OK) | Inlee | Pence |
| Conaway | Issa | Peterson (PA) |
| Crenshaw | Johnson, Sam | Petri |
| Culberson | Jones (NC) | Pickering |
| Davis (KY) | Jordan | Pitts |
| Davis, David | Keller | Platts |
| Davis, Tom | King (IA) | Poe |
| Deal (GA) | King (NY) | Porter |
| Diaz-Balart, L. | Kingston | Price (GA) |
| Diaz-Balart, M. | Kirk | Pryce (OH) |
| Doolittle | Kline (MN) | Putnam |

| | | |
|--------------|---------------|--------------|
| Radanovich | Schmidt | Tiahrt |
| Ramstad | Sensenbrenner | Tiberi |
| Regula | Sessions | Turner |
| Rehberg | Shadegg | Upton |
| Reichert | Shays | Walden (OR) |
| Renzi | Shimkus | Wamp |
| Reynolds | Shuler | Weldon (FL) |
| Rogers (AL) | Simpson | Weller |
| Rogers (KY) | Smith (NE) | Westmoreland |
| Rogers (MI) | Smith (NJ) | Wilson (SC) |
| Rohrabacher | Smith (TX) | Wittman (VA) |
| Ros-Lehtinen | Stearns | Wolf |
| Roskam | Stupak | Young (AK) |
| Royce | Terry | Young (FL) |
| Ryan (WI) | Thompson (CA) | |
| Sali | Thornberry | |

ANSWERED "PRESENT"—1

Tancred

NOT VOTING—20

| | | |
|----------|--------------|------------|
| Cantor | Granger | Saxton |
| Cubin | Hinchee | Souder |
| DeLauro | Jefferson | Sullivan |
| Emerson | Maloney (NY) | Tauscher |
| Fattah | Miller (FL) | Udall (CO) |
| Giffords | Oberstar | Udall (NM) |
| Gohmert | Rush | |

□ 1154

Messrs. JORDAN of Ohio and SHAYS changed their vote from "yea" to "nay."

Mr. KUCINICH 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. 5501, TOM LANTOS AND HENRY J. HYDE UNITED STATES GLOBAL LEADERSHIP AGAINST HIV/AIDS, TUBERCULOSIS, AND MALARIA REAUTHORIZATION ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1065, 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 is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 215, nays 199, not voting 16, as follows:

[Roll No. 154]

YEAS—215

| | | |
|----------------|----------------|-------------|
| Abercrombie | Cardoza | DeFazio |
| Ackerman | Carnahan | DeGette |
| Allen | Carney | Delahunt |
| Arcuri | Carson | DeLauro |
| Baca | Castor | Dicks |
| Baird | Chandler | Dingell |
| Baldwin | Clarke | Doggett |
| Becerra | Clay | Doyle |
| Berkley | Cleaver | Edwards |
| Berman | Clyburn | Ellison |
| Berry | Cohen | Emanuel |
| Bishop (GA) | Conyers | Engel |
| Bishop (NY) | Cooper | Eshoo |
| Blumenauer | Costa | Etheridge |
| Boren | Costello | Farr |
| Boswell | Courtney | Filner |
| Boucher | Cramer | Foster |
| Boyd (FL) | Crowley | Frank (MA) |
| Brady (PA) | Cuellar | Giffords |
| Braley (IA) | Cummings | Gillibrand |
| Brown, Corrine | Davis (AL) | Gonzalez |
| Butterfield | Davis (CA) | Gordon |
| Capps | Davis (IL) | Green, Al |
| Capuano | Davis, Lincoln | Green, Gene |

| | | |
|-----------------|------------------|---------------|
| Grijalva | McCollum (MN) | Sarbanes |
| Gutierrez | McDermott | Schakowsky |
| Hall (NY) | McGovern | Schiff |
| Hare | McIntyre | Schwartz |
| Harman | McNerney | Scott (GA) |
| Hastings (FL) | McNulty | Scott (VA) |
| Herseth Sandlin | Meek (FL) | Serrano |
| Higgins | Meeks (NY) | Sestak |
| Hinojosa | Melancon | Shea-Porter |
| Hirono | Michaud | Sherman |
| Hodes | Miller (NC) | Shuler |
| Holden | Miller, George | Sires |
| Holt | Mitchell | Skelton |
| Honda | Mollohan | Slaughter |
| Hooley | Moore (KS) | Smith (WA) |
| Hoyer | Moore (WI) | Snyder |
| Inslee | Moran (VA) | Solis |
| Israel | Murphy (CT) | Space |
| Jackson (IL) | Murphy, Patrick | Spratt |
| Jackson-Lee | Murtha | Stark |
| (TX) | Nadler | Stupak |
| Johnson (GA) | Napolitano | Sutton |
| Johnson, E. B. | Neal (MA) | Tanner |
| Jones (OH) | Oberstar | Taylor |
| Kagen | Obey | Thompson (CA) |
| Kanjorski | Oliver | Thompson (MS) |
| Kaptur | Ortiz | Tierney |
| Kennedy | Pallone | Towns |
| Kildee | Pascrell | Tsongas |
| Kilpatrick | Pastor | Udall (NM) |
| Kind | Payne | Van Hollen |
| Klein (FL) | Perlmutter | Velázquez |
| Kucinich | Peterson (MN) | Visclosky |
| Langevin | Pomeroy | Walz (MN) |
| Larsen (WA) | Price (NC) | Wasserman |
| Larson (CT) | Rahall | Schultz |
| Lee | Rangel | Waters |
| Levin | Reyes | Watson |
| Lewis (GA) | Richardson | Watt |
| Lipinski | Rodriguez | Waxman |
| Loeb sack | Ross | Weiner |
| Lofgren, Zoe | Rothman | Welch (VT) |
| Lowe y | Roybal-Allard | Wexler |
| Lynch | Ruppersberger | Wilson (OH) |
| Mahoney (FL) | Ryan (OH) | Woolsey |
| Markey | Salazar | Wu |
| Matheson | Sánchez, Linda | Wynn |
| Matsui | T. | Yarmuth |
| McCarthy (NY) | Sanchez, Loretta | |

NAYS—199

| | | |
|---------------|-----------------|-----------------|
| Aderholt | Davis, Tom | Jones (NC) |
| Akin | Deal (GA) | Jordan |
| Alexander | Dent | Keller |
| Altmire | Diaz-Balart, L. | King (IA) |
| Bachmann | Diaz-Balart, M. | King (NY) |
| Bachus | Donnelly | Kingston |
| Barrett (SC) | Doolittle | Kirk |
| Barrow | Drake | Kline (MN) |
| Bartlett (MD) | Dreier | Knollenberg |
| Barton (TX) | Duncan | Kuhl (NY) |
| Bean | Ehlers | LaHood |
| Biggert | Ellsworth | Lamborn |
| Bilbray | Emerson | Lampson |
| Bilirakis | English (PA) | Latham |
| Bishop (UT) | Everett | LaTourette |
| Blackburn | Fallin | Latta |
| Blunt | Feeney | Lewis (CA) |
| Boehner | Ferguson | Lewis (KY) |
| Bonner | Flake | Linder |
| Bono Mack | Forbes | LoBiondo |
| Boozman | Fortenberry | Lucas |
| Boustany | Fossella | Lungren, Daniel |
| Boyd (KS) | Fox | E. |
| Brady (TX) | Franks (AZ) | Mack |
| Broun (GA) | Frelinghuysen | Manzullo |
| Brown (SC) | Gallegly | Marshall |
| Brown-Waite, | Garrett (NJ) | McCarthy (CA) |
| Ginny | Gerlach | McCaul (TX) |
| Buchanan | Gilchrest | McCotter |
| Burgess | Gingrey | McCrery |
| Burton (IN) | Goode | McHenry |
| Buyer | Goodlatte | McHugh |
| Calvert | Graves | McKeon |
| Camp (MI) | Hall (TX) | McMorris |
| Campbell (CA) | Hastings (WA) | Rodgers |
| Cannon | Hayes | Mica |
| Cantor | Heller | Miller (MI) |
| Capito | Hensarling | Miller, Gary |
| Carter | Herger | Moran (KS) |
| Castle | Hill | Murphy, Tim |
| Chabot | Hobson | Musgrave |
| Coble | Hoekstra | Myrick |
| Cole (OK) | Hulshof | Neugebauer |
| Conaway | Hunter | Nunes |
| Crenshaw | Inglis (SC) | Paul |
| Culberson | Issa | Pearce |
| Davis (KY) | Johnson (IL) | Pence |
| Davis, David | Johnson, Sam | Peterson (PA) |

| | | |
|-------------|---------------|----------------|
| Petri | Ros-Lehtinen | Thornberry |
| Pickering | Roskam | Tiahrt |
| Pitts | Royce | Tiberi |
| Platts | Ryan (WI) | Turner |
| Poe | Sali | Upton |
| Porter | Schmidt | Walberg |
| Price (GA) | Sensenbrenner | Walden (OR) |
| Pryce (OH) | Sessions | Wamp |
| Putnam | Shadegg | Weldon (FL) |
| Radanovich | Shays | Weller |
| Ramstad | Shimkus | Westmoreland |
| Regula | Shuster | Whitfield (KY) |
| Rehberg | Simpson | Wilson (NM) |
| Reichert | Smith (NE) | Wilson (SC) |
| Renzi | Smith (NJ) | Wittman (VA) |
| Reynolds | Smith (TX) | Wolf |
| Rogers (AL) | Stearns | Young (AK) |
| Rogers (KY) | Sullivan | Young (FL) |
| Rogers (MI) | Tancred | |
| Rohrabacher | Terry | |

NOT VOTING—16

| | | |
|---------|--------------|------------|
| Andrews | Jefferson | Souder |
| Cubin | Maloney (NY) | Tauscher |
| Fattah | Marchant | Udall (CO) |
| Gohmert | Miller (FL) | Walsh (NY) |
| Granger | Rush | |
| Hinchee | Saxton | |

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is less than 1 minute remaining in this vote.

□ 1203

Mr. MARSHALL changed his vote from "yea" to "nay."

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 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. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 221, nays 192, not voting 17, as follows:

[Roll No. 155]

YEAS—221

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