

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 form 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. PINGREE of Maine. 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.

Ms. FOXX. 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, further proceedings on this question will be postponed.

PROVIDING FOR THE SINE DIE ADJOURNMENT OF THE FIRST SESSION OF THE 111TH CONGRESS

Ms. PINGREE of Maine. Madam Speaker, I send to the desk a privileged

concurrent resolution and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 223

Resolved by the House of Representatives (the Senate concurring). That when the House adjourns on any legislative day from Wednesday, December 16, 2009, through Saturday, January 2, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die, or until the time of any reassembly pursuant to section 3 of this concurrent resolution; and that when the Senate adjourns on any day from Friday, December 18, 2009, through Saturday, January 2, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die, or until the time of any reassembly pursuant to section 3 of this concurrent resolution.

SEC. 2. When the House adjourns on any legislative day of the second session of the One Hundred Eleventh Congress from Tuesday, January 5, 2010, through Saturday, January 9, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it shall stand adjourned until noon on Tuesday, January 12, 2010, or until the time of any reassembly pursuant to section 3 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day of the second session of the One Hundred Eleventh Congress from Tuesday, January 5, 2010, through Saturday, January 9, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it shall stand recessed or adjourned until noon on Tuesday, January 19, 2010, or until such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 3 of this concurrent resolution, whichever occurs first.

SEC. 3. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore. The concurrent resolution is not debatable. The question is on the concurrent resolution.

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

Ms. FOXX. 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, this 15-minute vote on adoption of House Concurrent Resolution 223 will be followed by 5-minute votes on ordering the previous question on H. Res. 973; adoption of H. Res. 973, if ordered; and the motion to suspend the rules on H. Con. Res. 160.

The vote was taken by electronic device, and there were—yeas 222, nays 195, not voting 17, as follows:

[Roll No. 978]
YEAS—222

Abercrombie	Grijalva	Ortiz
Ackerman	Gutierrez	Owens
Andrews	Halvorson	Pallone
Baca	Hare	Pascarell
Baird	Harman	Pastor (AZ)
Baldwin	Hastings (FL)	Payne
Barrow	Heinrich	Perlmutter
Bean	Hersth Sandlin	Peterson
Becerra	Higgins	Pingree (ME)
Berkley	Hill	Polis (CO)
Berman	Hinchey	Pomeroy
Berry	Hinojosa	Price (NC)
Bishop (GA)	Hirono	Quigley
Blumenauer	Hodes	Rahall
Boren	Holden	Rangel
Boswell	Holt	Reyes
Boucher	Honda	Richardson
Boyd	Hoyer	Rodriguez
Brady (PA)	Inlee	Ross
Braley (IA)	Israel	Rothman (NJ)
Bright	Jackson (IL)	Roybal-Allard
Brown, Corrine	Jackson-Lee	Ruppersberger
Butterfield	(TX)	Rush
Capps	Johnson (GA)	Ryan (OH)
Capuano	Johnson (IL)	Salazar
Carnahan	Kagen	Sánchez, Linda
Carson (IN)	Kanjorski	T.
Castor (FL)	Kennedy	Sanchez, Loretta
Chaffetz	Kildee	Sarbanes
Chandler	Kilpatrick (MI)	Schakowsky
Chu	Kind	Schauer
Clarke	Kissell	Schiff
Cleaver	Klein (FL)	Schrader
Clyburn	Kucinich	Schwartz
Cohen	Langevin	Scott (GA)
Connolly (VA)	Larsen (WA)	Scott (VA)
Conyers	Larson (CT)	Serrano
Cooper	Lee (CA)	Shea-Porter
Costa	Levin	Sherman
Costello	Lewis (GA)	Shuler
Courtney	Linder	Sires
Crowley	Lipinski	Skelton
Cuellar	Loeb	Slaughter
Cummings	Loeb	Smith (WA)
Davis (AL)	Lofgren, Zoe	Snyder
Davis (CA)	Lujan	Spratt
Davis (IL)	Lynch	Stark
Davis (TN)	Maloney	Stupak
DeFazio	Marshall	Sutton
DeGette	Matheson	Tanner
Delahunt	Matsui	Taylor
DeLauro	McCarthy (NY)	Teague
Dicks	McCollum	Thompson (CA)
Dingell	McDermott	Thompson (MS)
Doggett	McGovern	Tierney
Doyle	McIntyre	Titus
Edwards (MD)	McNerney	Tonko
Edwards (TX)	Meek (FL)	Towns
Ehlers	Meeks (NY)	Tsongas
Ellison	Melancon	Van Hollen
Eshoo	Michaud	Velázquez
Etheridge	Miller (NC)	Visclosky
Farr	Miller, George	Walz
Fattah	Mollohan	Wasserman
Foster	Moore (KS)	Schultz
Frank (MA)	Moore (WI)	Waters
Fudge	Murphy (CT)	Watson
Garamendi	Murphy, Patrick	Watt
Gohmert	Nadler (NY)	Waxman
Gonzalez	Napolitano	Weiner
Gordon (TN)	Neal (MA)	Welch
Grayson	Oberstar	Wilson (OH)
Green, Al	Obey	Woolsey
Green, Gene	Olson	Wu
Griffith	Oliver	Yarmuth

NAYS—195

Aderholt	Boehner	Capito
Adler (NJ)	Bonner	Carney
Akin	Bono Mack	Carter
Alexander	Boozman	Cassidy
Altmire	Boustany	Castle
Arcuri	Brady (TX)	Childers
Austria	Broun (GA)	Coble
Bachmann	Brown (SC)	Coffman (CO)
Bachus	Brown-Waite,	Cole
Bartlett	Ginny	Conaway
Barton (TX)	Buchanan	Crenshaw
Biggart	Burgess	Culberson
Billbray	Burton (IN)	Dahlkemper
Bilirakis	Buyer	Davis (KY)
Bishop (NY)	Calvert	Deal (GA)
Bishop (UT)	Camp	Dent
Blackburn	Campbell	Diaz-Balart, L.
Blunt	Cantor	Diaz-Balart, M.
Bocciari	Cao	Donnelly (IN)

Dreier
Driehaus
Duncan
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Himes
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jones
Jordan (OH)
Kilroy
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kosmas
Kratovil
Lamborn

Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Massa
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMahon
McMorris
Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Paulsen
Pence
Perriello
Peters
Petri
Platts

Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Sestak
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Soudier
Space
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NOT VOTING—17

Barrett (SC)
Cardoza
Clay
Engel
Filner
Hall (NY)

Johnson, E. B.
Kaptur
Markey (MA)
Moran (VA)
Murtha
Paul

Radanovich
Simpson
Speier
Wexler
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1037

Messrs. JORDAN of Ohio, MASSA, MAFFEI, McMAHON and Ms. KILROY changed their vote from “yea” to “nay.”

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

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Madam Speaker, on rollcall 978, I was away from the Capitol. Had I been present, I would have voted “yes.”

WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 973, 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 226, nays 192, not voting 16, as follows:

[Roll No. 979]

YEAS—226

Abercrombie
Ackerman
Adler (NJ)
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Blumenauer
Bocciari
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carson (IN)
Wamp
Castor (FL)
Chandler
Chu
Clarke
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Foster
Frank (MA)
Fudge
Garamendi
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez

Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Hersteth Sandlin
Higgins
Himes
Hincey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Johnson (GA)
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeke (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey

Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—192

Aderholt
Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Baird

Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn

Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carney
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Driehaus
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)

Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris
Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer

Nunes
Nye
Olson
Paulsen
Pence
Perriello
Peters
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Roskam
Ros-Lehtinen
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Soudier
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

Barrett (SC)
Cardoza
Clay
Filner
Hall (NY)
Johnson, E. B.

Kaptur
Moran (VA)
Murtha
Paul
Radanovich
Sessions

Simpson
Speier
Thompson (CA)
Wexler

NOT VOTING—16

Barrett (SC)
Cardoza
Clay
Filner
Hall (NY)
Johnson, E. B.

Kaptur
Moran (VA)
Murtha
Paul
Radanovich
Sessions

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1046

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Madam Speaker, on rollcall 979, I was away from the Capitol. Had I been present, I would have voted “yes.”

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.

RECORDED VOTE

Ms. FOXX. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 218, noes 202, not voting 14, as follows: