

AMENDMENT TO H. RES. 552 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

Strike all after the Resolving clause and insert the following:

“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 further consideration of the bill (H.R. 2847) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes. No further general debate shall be in order, and remaining proceedings under House Resolution 544 shall be considered as supplanted by this resolution. The bill shall continue to be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XM are waived. During consideration of the bill for amendment, the Chair of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, 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

(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.

Ms. SLAUGHTER. 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 noes appeared to have it.

Ms. SLAUGHTER. Mr. 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, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption.

The vote was taken by electronic device, and there were—yeas 238, nays 180, not voting 15, as follows:

[Roll No. 351]
YEAS—238

| | | |
|----------------|---------------|-----------------|
| Abercrombie | Cleaver | Fattah |
| Ackerman | Clyburn | Filmer |
| Altmire | Cohen | Foster |
| Andrews | Connolly (VA) | Frank (MA) |
| Baca | Conyers | Fudge |
| Baird | Cooper | Giffords |
| Baldwin | Costa | Gonzalez |
| Barrow | Costello | Gordon (TN) |
| Bean | Courtney | Grayson |
| Becerra | Crowley | Green, Al |
| Berkley | Cuellar | Green, Gene |
| Berman | Cummings | Griffith |
| Berry | Dahlkemper | Grijalva |
| Bishop (GA) | Davis (AL) | Gutierrez |
| Bishop (NY) | Davis (CA) | Hall (NY) |
| Blumenauer | Davis (IL) | Halvorson |
| Bocchieri | Davis (TN) | Hare |
| Boren | DeFazio | Hastings (FL) |
| Boswell | DeGette | Heinrich |
| Boucher | Delahunt | Herseth Sandlin |
| Boyd | DeLauro | Higgins |
| Brady (PA) | Dicks | Himes |
| Brady (IA) | Dingell | Hinchev |
| Brown, Corrine | Doggett | Hinojosa |
| Butterfield | Donnelly (IN) | Hirono |
| Capps | Doyle | Hodes |
| Capuano | Driehaus | Holden |
| Cardoza | Edwards (MD) | Holt |
| Carnahan | Edwards (TX) | Honda |
| Carney | Ellison | Hoyer |
| Carson (IN) | Ellsworth | Inslee |
| Castor (FL) | Engel | Israel |
| Chandler | Eshoo | Jackson (IL) |
| Clarke | Etheridge | Jackson-Lee |
| Clay | Farr | (TX) |

| | | |
|------------------|------------------|---------------|
| Johnson (GA) | Murphy (CT) | Scott (VA) |
| Johnson, E. B. | Murphy (NY) | Serrano |
| Kagen | Murphy, Patrick | Sestak |
| Kanjorski | Murtha | Shea-Porter |
| Kaptur | Nadler (NY) | Sherman |
| Kildee | Napolitano | Sires |
| Kilpatrick (MI) | Neal (MA) | Skelton |
| Kilroy | Nye | Slaughter |
| Kind | Oberstar | Smith (WA) |
| Kirkpatrick (AZ) | Obey | Snyder |
| Kissell | Olver | Space |
| Klein (FL) | Ortiz | Speier |
| Kucinich | Pallone | Spratt |
| Larsen (WA) | Pascrell | Stark |
| Lee (CA) | Pastor (AZ) | Stupak |
| Levin | Payne | Sutton |
| Lipinski | Perlmutter | Tanner |
| Loeback | Peters | Tauscher |
| Lofgren, Zoe | Peterson | Taylor |
| Lowey | Pingree (ME) | Teague |
| Lujan | Polis (CO) | Thompson (CA) |
| Lynch | Pomeroy | Thompson (MS) |
| Maffei | Price (NC) | Tierney |
| Maloney | Quigley | Titus |
| Markey (CO) | Rahall | Tonko |
| Markey (MA) | Rangel | Towns |
| Marshall | Reyes | Tsongas |
| Massa | Richardson | Van Hollen |
| Matsui | Rodriguez | Velázquez |
| McCarthy (NY) | Ross | Visclosky |
| McCullum | Rothman (NJ) | Walz |
| McDermott | Roybal-Allard | Wasserman |
| McGovern | Ruppersberger | Schultz |
| McIntyre | Rush | Waters |
| McMahon | Ryan (OH) | Watson |
| McNerney | Salazar | Watt |
| Meek (FL) | Sánchez, Linda | Waxman |
| Meeks (NY) | T. | Weiner |
| Melancon | Sanchez, Loretta | Welch |
| Michaud | Sarbanes | Wexler |
| Miller (NC) | Schakowsky | Wilson (OH) |
| Miller, George | Schauer | Woolsey |
| Mollohan | Schiff | Wu |
| Moore (KS) | Schrader | Yarmuth |
| Moore (WI) | Schwartz | |
| Moran (VA) | Scott (GA) | |

NAYS—180

| | | |
|--------------|-----------------|-----------------|
| Aderholt | Diaz-Balart, L. | Lance |
| Akin | Diaz-Balart, M. | Latham |
| Arcuri | Dreier | LaTourette |
| Austria | Duncan | Latta |
| Bachus | Ehlers | Lee (NY) |
| Barrett (SC) | Emerson | Lewis (CA) |
| Bartlett | Fallin | Linder |
| Barton (TX) | Flake | LoBiondo |
| Biggert | Fleming | Lucas |
| Bilbray | Forbes | Luetkemeyer |
| Bilirakis | Fortenberry | Lummis |
| Blackburn | Fox | Lungren, Daniel |
| Blunt | Franks (AZ) | E. |
| Boehner | Frelinghuysen | Mack |
| Bonner | Gallegly | Manzullo |
| Bono Mack | Garrett (NJ) | Marchant |
| Boozman | Gerlach | McCarthy (CA) |
| Boustany | Gingrey (GA) | McCauley |
| Brady (TX) | Gohmert | McClintock |
| Brown (GA) | Goodlatte | McCotter |
| Brown (SC) | Granger | McHenry |
| Brown-Waite, | Graves | McHugh |
| Ginny | Guthrie | McKeon |
| Buchanan | Hall (TX) | McMorris |
| Burgess | Harper | Rodgers |
| Burton (IN) | Hastings (WA) | Mica |
| Buyer | Heller | Miller (FL) |
| Calvert | Hensarling | Miller (MI) |
| Camp | Hill | Miller, Gary |
| Campbell | Hoekstra | Minnick |
| Cao | Hunter | Mitchell |
| Capito | Inglis | Moran (KS) |
| Carter | Issa | Murphy, Tim |
| Cassidy | Jenkins | Myrick |
| Castle | Johnson (IL) | Neugebauer |
| Chaffetz | Johnson, Sam | Nunes |
| Childers | Jones | Olson |
| Coble | Jordan (OH) | Paul |
| Coffman (CO) | King (IA) | Paulsen |
| Cole | King (NY) | Pence |
| Conaway | Kingston | Perriello |
| Crenshaw | Kirk | Petri |
| Culberson | Klaine (MN) | Pitts |
| Davis (KY) | Kosmas | Platts |
| Deal (GA) | Kratovil | Poe (TX) |
| Dent | Lamborn | Posey |

Price (GA) Scalise
Putnam Schmidt
Radanovich Schock
Rehberg Sensenbrenner
Reichert Sessions
Roe (TN) Shadegg
Rogers (AL) Shimkus
Rogers (KY) Shuler
Rogers (MI) Shuster
Rohrabacher Simpson
Rooney Smith (NE)
Ros-Lehtinen Smith (NJ)
Roskam Smith (TX)
Royce Souder
Ryan (WI) Stearns

Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)

NOT VOTING—15

Adler (NJ) Cantor
Alexander Harman
Bachmann Herger
Bishop (UT) Kennedy
Bright Langevin

Larson (CT)
Lewis (GA)
Matheson
Sullivan
Young (FL)

□ 1507

Ms. KOSMAS changed her vote from “yea” to “nay.”

Mr. GEORGE MILLER of California and Ms. WOOLSEY changed their vote from “nay” to “yea.”

So the previous question was ordered. The result of the vote was announced as above recorded.

Stated for:

Mr. LANGEVIN. Mr. Speaker, on June 17, 2009, I was unavoidably detained and unable to be in the Chamber for a rollcall vote. Had I been present, I would have voted “yea” on rollcall No. 351, the motion ordering the previous question on the rule for H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act for FY 2010.

Stated against:

Mr. HERGER. Mr. Speaker, on rollcall No. 351, I was unavoidably detained. Had I been present, I would have voted “nay.”

(By unanimous consent, Ms. LINDA T. SANCHEZ of California was allowed to speak out of order.)

INTRODUCING JOAQUIN SANCHEZ SULLIVAN

Ms. LINDA T. SANCHEZ of California. Mr. Speaker, I rise today for the purpose of introducing the most important and undoubtedly the greatest piece of work I have ever brought to the floor of this House.

Mr. Speaker, before I take all of the credit, I want to thank especially the health care workers from coast to coast who helped me deliver a very healthy baby. And I want to especially recognize the distinguished doctors and nurses at Washington Hospital Medical Center and the talented doctors in Los Angeles, especially Dr. Aliabadi, Dr. Rotmench, and Dr. Iqbal.

Mr. Speaker, it is with great joy that my husband, James Sullivan and I, introduce to you and to all of my colleagues the proudest achievement and newest member of the California delegation, Joaquin Sanchez Sullivan.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection. 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 will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 221, nays 201, not voting 11, as follows:

[Roll No. 352]

YEAS—221

Abercrombie
Ackerman
Altmire
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Bocieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlgemper
Davis (CA)
Davis (IL)
Davis (TN)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Etheridge
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Hastings (FL)
Heinrich
Herseht Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Kucinich
Langevin
Larsen (WA)
Lee (CA)
Levin
Lipinski
Loeb
Loeb, Zoe
Lowe
Lujan
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
Doyle
McGovern
McIntyre
McMahon
McNerney
Meeks (NY)
Melancon
Michaud
Miller (NC)
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Oliver
Ortiz
Pallone
Pascarell
Pastor (AZ)
Payne
Perlmutter
Peters
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Lynch
Smith (WA)
Snyder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velazquez
Visclosky
Walz
Wasserman
Schultz
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Yarmuth

Cantor
Cao
Capito
Capps
Carney
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Conyers
Crenshaw
Culberson
Davis (KY)
Deal (GA)
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ehlers
Emerson
Eshoo
Fallin
Farr
Flake
Fleming
Forbes
Fortenberry
Fox
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Honda
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Kosmas
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
McHugh
McKeon
McMorris
Rodgers
Meek (FL)
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Minnick
Mitchell
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Perrillo
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Speier
Stearns
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Waters
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Young (AK)

NOT VOTING—11

Adler (NJ) Harman
Alexander Kennedy
Bachmann Larson (CT)
Davis (AL) Lewis (GA)
Peterson
Sullivan
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1520

Ms. SPEIER and Messrs. BLUMENAUER and HONDA changed their vote from “yea” to “nay.”

So the resolution was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PRIVILEGED REPORT ON RESOLUTION IMPEACHING SAMUEL B. KENT

Mr. SCHIFF, from the Committee on the Judiciary, submitted a privileged report (Rept. No. 111-159) on the resolution (H. Res. 520) impeaching Samuel B. Kent, judge of the United States District Court for the Southern District of Texas, for high crimes and misdemeanors, which was referred to the House Calendar and ordered to be printed.

NAYS—201
Aderholt
Akin
Arcuri
Austria
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Broun (GA)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Brown (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell