

(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. ARCURI. I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

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. 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.

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. NUNES. Madam Speaker, I rise to a question of the privileges of the House and offer the resolution previously noticed.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Whereas, on May 25, 2007, U.S. District Court Judge Oliver W. Wanger issued a ruling that directed the Bureau of Reclamation to reduce water exports from the Sacramento-San Joaquin River Delta to protect a three-inch minnow called the Delta smelt;

Whereas, on December 15, 2008, the United States Fish and Wildlife Service, based on the Wanger Ruling, issued a Biological Opinion on the Delta smelt that permanently reduced water export from the Sacramento-San Joaquin River Delta which is traditionally delivered to cities and farms in the San Joaquin Valley and the Los Angeles and San Diego basins;

Whereas according to a University of California at Davis study, based on the water reductions outlined in the Delta smelt Biological Opinion, revenue losses in the San Joaquin Valley of California for 2009 will be \$2.2 billion and job losses at 80,000;

Whereas according to the U.S. Bureau of Labor Statistics, the unemployment rate in the San Joaquin Valley has reached the highest level in the Nation;

Whereas region wide unemployment in the San Joaquin Valley of California is nearly 20 percent and some cities have an unemployment rate of 40 percent;

Whereas thousands of people who once relied on employment in the agricultural sector are now unemployed and struggling to meet their most basic needs, such as providing food for their families;

Whereas, on March, 1, 2009, the Sacramento Bee reported thousands of people have been turned away from local food banks as supplies are not ample enough to meet local needs;

Whereas, on April 14, 2009, the Fresno County, California, Board of Supervisors proclaimed that the man-made drought has created an economic crisis;

Whereas on June 4, 2009, despite the ongoing man-made drought in California, the National Marine Fisheries Service issued a new Biological Opinion on the spring-run Chinook salmon, Central Valley steelhead, the southern population of North American green sturgeon, and Southern Resident killer whales which further reduces water supplies to Californians;

Whereas, on June 19, 2009, California's Governor Arnold Schwarzenegger declared a state of emergency for Fresno County, California, and petitioned President Barack Obama to declare the county a Federal disaster area;

Whereas on June 28, 2009, the Secretary of the Interior Ken Salazar visited Fresno, Cali-

fornia, and held a town hall meeting in which nearly 1,000 people attended to express their dissatisfaction with the lack of action by the Obama Administration;

Whereas, on July 6, 2009, the Los Angeles Times reported that during Interior Secretary Ken Salazar's town hall meeting on June 28, 2009, the Commissioner of the Bureau of Reclamation, Mike Connor, pledged to provide financial aid to starving families and an audience member replied "we don't want welfare, we want water";

Whereas, on June 29, 2009, CBS 5 Eyewitness News reported that hundreds of San Joaquin Valley farmers protested outside the Federal Building Plaza in San Francisco which houses Speaker Nancy Pelosi's district office;

Whereas, on June 29, 2009, CBS 5 Eyewitness News reported the protestors blamed Speaker Nancy Pelosi and Congressman George Miller for the water shortage in the San Joaquin Valley;

Whereas, on June 29, 2009, CBS 5 Eyewitness News reported that protestors were holding signs that said "ESA Puts Fish Ahead of People", "Congress Created Drought", and "New Endangered Species: The California Farmer";

Whereas, on July 1, 2009, the Fresno Bee reported that a crowd of 4,000 marched through the streets of Fresno, California, to demand that the Federal Government end the man-made drought;

Whereas, on June 18, 2009, the Democrat leadership held open Roll Call Vote 366 for the purpose of changing the outcome of the vote;

Whereas during this vote, House Democrat leadership was seen on the House floor pressuring Members of Congress to change their Aye vote to a Nay vote in order to defeat the Nunes Amendment which would have helped to relieve the water crisis in California;

Whereas, on July 8, 2009, during the mark-up on the Energy and Water Development and Related Agencies Appropriations Act, 2010, a debate was held on the Calvert Amendment which would have restored water deliveries to Californians;

Whereas during the mark-up, the Chairman of the Appropriations Committee, David Obey, said "Recognize there are certain actions, that if you take, this bill won't pass, your earmarks in the bill won't become law";

Whereas Chairman Obey violated Clause 16 of House Rule 23 by linking passage of the Calvert Amendment to loss of earmarks;

Whereas, on July 14, 2009, despite historical tradition of open rules during the appropriations process, the Rules Committee blocked an amendment to the Energy and Water Development and Related Agencies Appropriations Act, 2010 that would have restored water deliveries to Californians;

Whereas, for two years, the House of Representatives has known about the man-made drought in California without taking legislative action to resolve the crisis;

Whereas the lack of action by the House of Representatives has demonstrated that fish are more important than families;

Whereas article 1, section 8 of the United States Constitution enumerates that the Congress shall have the power to provide for the general welfare of the United States;

Whereas the House of Representatives has willfully and knowingly failed to provide for the general welfare of the San Joaquin Valley of California; and

Whereas the failure of the House of Representatives to carry out its duties has subjected the House to public ridicule and damaged the dignity and integrity of the House of Representatives; Now, therefore, be it

Resolved, That the Committee on Natural Resources is instructed to discharge H.R.

3105, the Turn on the Pumps Act of 2009, for immediate consideration by the House of Representatives.

□ 1200

The SPEAKER pro tempore. Does the gentleman from California wish to present an argument on why the resolution qualifies as privileged for immediate consideration?

Mr. NUNES. Yes, Madam Speaker.

The SPEAKER pro tempore. The gentlemen from California is recognized.

Mr. NUNES. Under rule IX, questions of the privileges of the House are those that affect its rights collectively, its safety, dignity, and the integrity of its proceedings.

Madam Speaker, this privileged resolution allows us to rectify the problems that the Democrat leadership has created out in California. If we move forward with this today, 40,000 people can go back to work and we can move on and everybody will be fine.

So I urge the passing of this resolution today, and I yield back.

The SPEAKER pro tempore. The Chair is prepared to rule.

In evaluating the resolution offered by the gentleman from California under the standards of rule IX, the Chair must be mindful of a fundamental principle illuminated by annotations of precedent in section 706 of the House Rules and Manual. That basic principle is that a question of the privileges of the House may not be invoked to prescribe a rule or order of business for the House.

The Chair finds that the resolution offered by the gentleman from California, by directing action with respect to a bill that is pending before a standing committee, prescribes a rule or order of business. Under a long and well-settled line of precedent presently culminating in the ruling of July 17, 2009, such a resolution cannot qualify as a question of the privileges of the House.

The Chair therefore holds that the resolution is not privileged under rule IX for consideration ahead of other business. Instead, the gentleman may introduce the resolution through the hopper in the regular course.

Mr. NUNES. Madam Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE

Mr. JACKSON of Illinois. Madam Speaker, I move to table the appeal of the ruling of the Chair.

The SPEAKER pro tempore. The question is on the motion to table.

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

Mr. NUNES. 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 the motion to lay the

appeal on the table will be followed by 5-minute votes on:

Adopting House Resolution 669; and suspending the rules and adopting House Resolution 566 and House Resolution 350.

The vote was taken by electronic device, and there were—yeas 249, nays 179, not voting 5, as follows:

[Roll No. 616]

YEAS—249

Abercrombie	Green, Al	Neal (MA)
Ackerman	Green, Gene	Nye
Adler (NJ)	Grijalva	Oberstar
Altmire	Gutierrez	Obey
Andrews	Hall (NY)	Olver
Arcuri	Halvorson	Ortiz
Baca	Hare	Pallone
Baird	Harman	Pascrell
Baldwin	Heinrich	Pastor (AZ)
Barrow	Hereth Sandlin	Payne
Bean	Higgins	Perlmutter
Becerra	Hill	Petriello
Berkley	Himes	Peters
Berman	Hinchey	Peterson
Berry	Hinojosa	Pingree (ME)
Bishop (GA)	Hirono	Polis (CO)
Bishop (NY)	Hodes	Pomeroy
Blumenauer	Holden	Price (NC)
Bocchieri	Holt	Quigley
Boren	Honda	Rahall
Boswell	Hoyer	Reichert
Boucher	Insee	Reyes
Boyd	Israel	Richardson
Brady (PA)	Jackson (IL)	Rodriguez
Braley (IA)	Jackson-Lee	Ross
Bright	(TX)	Rothman (NJ)
Brown, Corrine	Johnson (GA)	Roybal-Allard
Butterfield	Johnson, E.B.	Ruppersberger
Capps	Kagen	Rush
Capuano	Kanjorski	Ryan (OH)
Cardoza	Kaptur	Salazar
Carnahan	Kennedy	Sánchez, Linda
Carney	Kildee	T.
Carson (IN)	Kilpatrick (MI)	Sanchez, Loretta
Castor (FL)	Kilroy	Sarbanes
Chandler	Kind	Schakowsky
Childers	Kirkpatrick (AZ)	Schauer
Chu	Kissell	Schiff
Clarke	Klein (FL)	Schrader
Clay	Kosmas	Schwartz
Cleaver	Kucinich	Scott (GA)
Clyburn	Langevin	Scott (VA)
Cohen	Larsen (WA)	Serrano
Connolly (VA)	Larson (CT)	Sestak
Conyers	Lee (CA)	Shea-Porter
Cooper	Levin	Sherman
Costa	Lewis (GA)	Shuler
Costello	Lipinski	Sires
Courtney	Loebbeck	Skelton
Crowley	Lofgren, Zoe	Slaughter
Cuellar	Lowey	Smith (WA)
Cummings	Luján	Snyder
Dahlkemper	Lynch	Space
Davis (AL)	Maffei	Speier
Davis (CA)	Maloney	Spratt
Davis (IL)	Markey (CO)	Stupak
Davis (TN)	Markey (MA)	Sutton
DeFazio	Marshall	Tanner
DeGette	Massa	Taylor
Delahunt	Matheson	Teague
DeLauro	Matsui	Thompson (CA)
Dicks	McCollum	Thompson (MS)
Dingell	McDermott	Tierney
Doggett	McGovern	Titus
Donnelly (IN)	McIntyre	Tonko
Doyle	McMahon	Towns
Driehaus	McNerney	Tsongas
Edwards (MD)	Meek (FL)	Van Hollen
Edwards (TX)	Meeke (NY)	Velázquez
Ellison	Melancon	Viscloskey
Ellsworth	Michaud	Walz
Engel	Miller (NC)	Wasserman
Eshoo	Miller, George	Schultz
Etheridge	Mitchell	Waters
Farr	Mollohan	Watson
Fattah	Moore (KS)	Watt
Filner	Moore (WI)	Waxman
Foster	Moran (VA)	Weiner
Frank (MA)	Murphy (CT)	Welch
Fudge	Murphy (NY)	Wexler
Giffords	Murphy, Patrick	Wilson (OH)
Gonzalez	Murtha	Woolsey
Gordon (TN)	Nadler (NY)	Wu
Grayson	Napolitano	Yarmuth

NAYS—179

Aderholt	Galleghy	Minnick
Akin	Garrett (NJ)	Moran (KS)
Alexander	Gerlach	Murphy, Tim
Austria	Gingrey (GA)	Myrick
Bachmann	Gohmert	Neugebauer
Bachus	Goodlatte	Nunes
Barrett (SC)	Granger	Olson
Bartlett	Graves	Paul
Barton (TX)	Griffith	Paulsen
Biggart	Guthrie	Pence
Bilbray	Hall (TX)	Petri
Bilirakis	Harper	Pitts
Blackburn	Hastings (WA)	Platts
Blunt	Heller	Poe (TX)
Boehner	Hensarling	Posey
Bonner	Herger	Price (GA)
Bono Mack	Hoekstra	Putnam
Boozman	Hunter	Radanovich
Boustany	Inglis	Rehberg
Brady (TX)	Issa	Roe (TN)
Broun (GA)	Jenkins	Rogers (AL)
Brown (SC)	Johnson (IL)	Rogers (KY)
Brown-Waite,	Johnson, Sam	Rogers (MI)
Ginny	Jones	Rohrabacher
Buchanan	Jordan (OH)	Rooney
Burgess	King (IA)	Ros-Lehtinen
Burton (IN)	King (NY)	Roskam
Buyer	Kingston	Royce
Calvert	Kirk	Ryan (WI)
Camp	Kline (MN)	Scalise
Campbell	Kratovil	Schmidt
Cantor	Lamborn	Schock
Cao	Lance	Sensenbrenner
Capito	Latham	Sessions
Carter	LaTourette	Shadegg
Cassidy	Latta	Shimkus
Castle	Lee (NY)	Shuster
Chaffetz	Lewis (CA)	Simpson
Coble	Linder	Smith (NE)
Coffman (CO)	LoBiondo	Smith (NJ)
Cole	Lucas	Smith (TX)
Conaway	Luetkemeyer	Souder
Crenshaw	Lummis	Stearns
Culberson	Lungren, Daniel	Sullivan
Davis (KY)	E.	Terry
Deal (GA)	Mack	Thompson (PA)
Dent	Manzullo	Thornberry
Diaz-Balart, L.	Marchant	Tiahrt
Diaz-Balart, M.	McCarthy (CA)	Tiberi
Dreier	McCaul	Turner
Duncan	McClintock	Upton
Ehlers	McCotter	Walden
Emerson	McHenry	Wamp
Fallin	McHugh	Westmoreland
Flake	McKeon	Whitfield
Fleming	McMorris	Wilson (SC)
Forbes	Rodgers	Wittman
Fortenberry	Mica	Wolf
Foxo	Miller (FL)	Young (AK)
Franks (AZ)	Miller (MI)	Young (FL)
Frelinghuysen	Miller, Gary	

NOT VOTING—5

Bishop (UT)	McCarthy (NY)	Stark
Hastings (FL)	Rangel	

□ 1232

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

Messrs. CONYERS and FOSTER changed their vote from “nay” to “yea.”

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

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 3288, TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore. The unfinished business is the vote on adoption of House Resolution 669, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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