

brakes, the government regulates the auto industry. To prevent the sale of rancid meat, the FDA regulates meatpackers. To prevent the sale of toys containing lead, we have a Consumer Product Safety Commission. Complex financial products are no different, as this week's hearings have shown, which is why we must have commonsense financial regulations to protect consumers.

H.R. 4173, which we already passed from the House, reforms Wall Street while helping Main Street. I urge the Senate to pass this critical bill.

THE RULE OF LAW

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, America is a Nation founded on the rule of law, not the rule of men. That's why we have a Constitution and not a king. Law must apply to everybody and it must apply equally, regardless of race, color, or creed. People don't get to pick and choose which laws are enforced. They don't get to decide which laws they like and which ones they don't. That would cause chaos.

Federal law requires people to sign the guest book when they enter our country, otherwise they are here illegally. There is a lot of fear mongering, political hype, and misinformation about the State of Arizona trying to legally protect itself from illegal entry into its State.

Arizona acts because Washington is blissfully silent and sleeps. Rather than join this rant, the White House should grant the request of border governors and send the National Guard to the border to enforce the rule of law. After all, that is the government's job. And that's just the way it is.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Byrd, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 5146. An act to provide that Members of Congress shall not receive a cost of living adjustment in pay during fiscal year 2011.

H.R. 5147. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

□ 1015

PROVIDING FOR CONSIDERATION OF H.R. 2499, PUERTO RICO DEMOCRACY ACT OF 2009

Mr. POLIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1305 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1305

Resolved, 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 consideration of the bill (H.R. 2499) to provide for a federally sanctioned self-determination process for the people of Puerto Rico. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour and 30 minutes, with one hour equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources and 30 minutes controlled by Representative Velázquez of New York or her designee. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. 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 instructions.

SEC. 2. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Natural Resources or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

The SPEAKER pro tempore. The gentleman from Colorado is recognized for 1 hour.

Mr. POLIS. For the purposes of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. POLIS. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1305.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1305 provides for consideration of H.R. 2499, the Puerto Rico Democracy Act of 2009, under a structured rule. The rule provides 1 hour and 30 minutes of general debate, with 1 hour equally divided and controlled by the chair and ranking minority members of the Committee on Natural Resources and 30 minutes controlled by Representative VELÁZQUEZ of New York. The rule makes in order those amendments printed in the report of the Committee on Rules. The amendments made in order may be offered only in the order printed in the Rules Committee report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question. Finally, the rule provides one motion to recommit with or without instructions.

The rule is a fair rule. There were 35 amendments submitted for this bill, 13 of which were found to be nongermane. Of the remaining amendments, eight are made in order under this rule—three offered by Republicans and five offered by Democrats.

Mr. Speaker, I rise today in support of House Resolution 2499, the Puerto Rico Democracy Act. I'd like to thank Speaker PELOSI, who has been an unrelenting champion of this important issue; and Leader HOYER, whose strong support of this bill helped bring the resolution to the floor. I also want to recognize Resident Commissioner PIERLUISI for sponsoring the bill and Chairman RAHALL for his leadership on this issue.

This bill is based on the most fundamental democratic principle, the rule of self-determination. Puerto Rico has been a U.S. territory for over 100 years; yet during that time, Congress has never bothered to determine whether Puerto Ricans are actually satisfied with the status quo. H.R. 2499 aims to fix that by offering fellow citizens this basic right.

Puerto Ricans have been American citizens since 1917. During that time, they've contributed to our country's culture and economy while also serving proudly in the Armed Forces to defend our Nation. In fact, Puerto Rico has historically ranked alongside the top five States in per capita military service in defense of our Nation.

Yet, in spite of the contributions Puerto Ricans have made to this country, they do not receive all of the benefits that are due to them as American citizens. Their representative in Congress is a resident commissioner, who works tirelessly to advance their interests, yet has limited voting rights, instead of several Congresspeople with full voting rights the Puerto Ricans deserve. While they pay many taxes, Federal programs treat Puerto Rico less

than equally when compared to the 50 States. As I mentioned before, while they have courageously served in the military, and in fact at a higher rate than many other States, they do not yet have the right to vote for President of the United States, the Commander in Chief.

It's imperative that Congress act to right these wrongs which Puerto Ricans have had to live through for so long. The Puerto Rico Democracy Act would do that. If enacted, this bill would authorize a plebiscite process which would offer Puerto Ricans the chance to vote on the future of their island. The plebiscite would ask the unambiguous question: Are you satisfied with the status quo? If a majority of Puerto Ricans vote "yes," then the government of Puerto Rico would be authorized to hold regular plebiscites every 8 years to ensure that voters continue to have the opportunity to express themselves democratically over time.

If a majority vote is against the status quo, if they decide that they are tired of their being treated as second-class citizens, the plebiscite will ask them to choose between nonterritorial status options: independence, statehood, and free association. This plebiscite represents the straightforward expression of self-determination and direct democracy that would allow Puerto Ricans to express their wishes to Congress. I, for one, will support the express wishes of the Puerto Rican people as a Member of Congress representing Colorado.

Like any important piece of legislation, this bill has some critics. You will hear from them today. Opponents have claimed that the bill favors statehood, and they take issue with how the plebiscite is being constructed. It's not only fair but imperative that voters, our fellow Americans, be given the opportunity to express whether or not they approve of their current status quo that is disenfranchising Puerto Ricans.

I urge and encourage my colleagues to support the rule, and I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I'd like to, first of all, thank my friend, the gentleman from Colorado (Mr. POLIS), for the time; and I yield myself such time as I may consume.

The underlying legislation, H.R. 2499, the Puerto Rico Democracy Act of 2009, is a fair and appropriate way for the people of Puerto Rico to express themselves at the ballot box regarding the critical issue of their permanent status. The legislation would allow a plebiscite whereby the people of Puerto Rico will decide whether to maintain their current political status or have a different status. If a majority favors a different status, the Government of Puerto Rico would be authorized to conduct a second plebiscite among three nonterritorial status options recognized under United States and inter-

national law: independence, United States statehood, or sovereignty in association with the United States. They would, obviously, have to be worked out between sovereign Puerto Rico and sovereign United States.

The legislation does not dictate an outcome for the people of Puerto Rico. Congress will not take sides by voting for this legislation. Congress will only be asking the Puerto Rican people to vote on the issue of their permanent status. This process is absolutely respectful of the Puerto Rican people's right to decide their future status.

I wish to commend Resident Commissioner PIERLUISI and my dear friend and former colleague, Governor Luis Fortuno, for extraordinary leadership on this issue. Both of them have earned the admiration of both sides of the aisle in the United States Congress and deserve commendation for their leadership.

Mr. Speaker, I understand that some Members of Congress have concerns that the results of the election would be automatically implemented. I was discussing with my colleague, Ms. ROS-LEHTINEN, some falsehoods that are being said on radio and other media that the vote today is one that would set up a process that would automatically be implemented. That is not the case. The results of the plebiscites are nonbinding on Congress. So in order for the results to be put into effect, whatever the results of the referendum would be, Congress would need to debate again and, again, pass legislation. In other words, new legislation.

My position with regard to the status of Puerto Rico is that the people of Puerto Rico have the right to decide the political and legal status of their wonderful island through a fair, neutral, as well as federally recognized, plebiscite. I have ultimate admiration for the people of Puerto Rico. They are a wonderful people. If the people of Puerto Rico ultimately vote to request admission to the United States of America as a State of the American Union, there will be no stronger defender of their right to be the 51st American State than me. If they vote to remain in their current status, there will be no stronger defender of their decision than me. And if they vote for independence, there will be no stronger defender of their decision than me. This legislation is a self-determination vehicle, and I support self-determination. I support democracy everywhere. The Puerto Rican people should be able to decide their permanent status themselves.

The House last addressed this issue in 1998. I remember, Mr. Speaker, that I had the honor of chairing that debate in the House when H.R. 856, the United States-Puerto Rico Political Status Act, after much leadership and advocacy by Resident Commissioner Romero-Barcelo, was brought to the floor under a Republican majority.

□ 1030

I was a member of the Rules Committee at that time, and I am proud to say that our majority, the Republican majority, allowed that bill to proceed under an open rule, a rule that allows Members from both parties to have their amendments to the legislation debated on the House floor without having to get approval from the Rules Committee. This is an important issue, and if there's ever been legislation that deserves an open debate process, it's this legislation.

I remind the House of the process that we used when we were the majority because today the current majority has decided to restrict debate on this issue, on this very same issue that we allowed an open debate process on in 1998. And not only on this legislation, but on every piece of legislation brought before this Congress. This majority has not allowed any open rules, any open debate process in over 2½ years. Since they regained the majority, they have allowed only one open rule, apart from appropriations bills. And even on appropriations bills, they have restricted debate.

Now I disagree with some of the amendments that were presented before the Rules Committee yesterday, and if, by chance, the majority would have allowed their consideration by the full Congress, I would have voted against those amendments. I may have even debated against those amendments. But just because I disagree with amendments that were brought before the Rules Committee, asking the Rules Committee to allow consideration by the full House does not mean that I believe that those Members of the House do not deserve the right to be heard. I believe the House should be allowed to work its will.

Now, unlike the current majority, I believe in open debate. Let amendments stand or fall on their merits. Just about every week I have the honor to come to the floor of this House to help manage rules debates on behalf of my party, and pretty much every time I come to the floor, I criticize the current majority for systematically blocking open debate with ruthless efficiency on every bill that we consider. Even on appropriations bills, which have long been brought to the floor under a tradition of open rules, they blocked debate. Today they could have easily upheld the tradition set by the Republican majority to allow an open debate on the extremely important issue of Puerto Rico's political status; yet the current majority, they can't bear to do something so abhorrent to them, to permit an open debate process. They cling, Mr. Speaker, they cling to their *modus operandi*, restricting debate, restricting debate. So they've done so again today.

Now, that doesn't negate the historic nature of what the Congress of the United States is doing today. Today whatever the outcome of this legislation, Congress will send its greeting,

its support and admiration for the wonderful people of "La Isla del Encanto," Puerto Rico.

I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield 2½ minutes to the gentleman from Puerto Rico (Mr. PIERLUISI), the sponsor of the bill.

Mr. PIERLUISI. I thank the gentleman from Colorado (Mr. POLIS), and thank you for your eloquent explanation as to why H.R. 2499, the Puerto Rico Democracy Act, is a fair bill, a necessary bill, and a bill that is long overdue. I'm also thankful for the kind words given by the gentleman from Florida, Congressman DIAZ-BALART, and for his support for H.R. 2499.

I'm so grateful to you and to the hundreds of my other colleagues on both sides of the aisle who support H.R. 2499. I cannot cast a vote this afternoon, but please know that your vote will give voice to the aspirations of 4 million men, women, and children from Puerto Rico whom I am honored to represent. I'm also grateful for the support of diverse organizations such as LULAC, the Nation's oldest Hispanic civil rights organization, the Young Democrats of America, and the Puerto Rico Republican Party.

I want to say a special thank you to Majority Leader STENY HOYER. The majority leader has been a champion without peer for the U.S. citizens of Puerto Rico. My constituents and I owe him a debt of gratitude that no words, however sincerely uttered, can ever repay.

Mr. Speaker, this has not been easy, but I am a firm believer that nothing truly worth doing ever is. The fundamental justice of our cause, to enable a fair and meaningful self-determination process for the people of Puerto Rico after more than 110 years of inaction, is beyond question. Patience is a virtue, but my people have been patient enough.

H.R. 2499 is a simple bill designed to address a longstanding problem. Since joining the American family at the close of the 19th century, the Puerto Rican people have enriched the lives of this Nation in many ways. For generations, the island's sons and daughters have fought proudly alongside their fellow citizens of the States to protect freedom and democracy around the world. Many have given their lives in defense these values. Many more have borne the scars of their service to this great country.

The SPEAKER pro tempore. The time of the gentleman from Puerto Rico has expired.

Mr. POLIS. I yield the gentleman an additional 30 seconds.

Mr. PIERLUISI. Notwithstanding their contributions, my people have never expressed their views in a fair process authorized by Congress as to whether Puerto Rico should remain a U.S. territory or seek a nonterritorial status. If the majority of the voters express a desire for a nonterritorial status, the bill would authorize the gov-

ernment of Puerto Rico to conduct a second-stage plebiscite among the three alternatives to territorial status: independence, free association, and statehood. The bill before us would, for the first time, provide the people of Puerto Rico with the opportunity to be heard on the fundamental question of their political destiny.

The SPEAKER pro tempore. The time of the gentleman from Puerto Rico has again expired.

Mr. POLIS. I yield the gentleman an additional 30 seconds.

Mr. PIERLUISI. Thank you, Congressman POLIS.

This bill does not favor or exclude any valid status options, and claims to the contrary are without merit.

In the 21st century, shouldn't this Congress at least ask the people of Puerto Rico, the 4 million citizens living in Puerto Rico, whether they want to continue to be treated differently, different than their fellow citizens in the States? That is the question posed by H.R. 2499.

I ask for your support.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it's my privilege to yield 3 minutes to my dear friend and colleague from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to thank my dear friend and colleague, Congressman LINCOLN DIAZ-BALART, for yielding me the time.

I rise in strong support of the underlying legislation, the Puerto Rico Democracy Act, and I commend the bill's author—we just heard from him—Resident Commissioner PEDRO PIERLUISI, for his work in bringing this important legislation to the floor this morning. And I would be remiss if I did not also recognize the efforts of our former colleague Luis Fortuno, now the Governor of Puerto Rico, for his many years of leadership on this issue.

This day has been long in the making. With a population of nearly 4 million people, the people of Puerto Rico deserve the opportunity to decide their fate. Puerto Rico has been under the U.S. flag for 111 years, and its residents have been U.S. citizens for more than 90 years.

Since the extension of U.S. citizenship to its residents in 1917, Puerto Rico has maintained one of the highest per capita rates of participation in the U.S. Armed Forces. Puerto Ricans have fought and have died in every armed conflict since the First World War. And yet while Puerto Ricans have fought valiantly for self-determination overseas, they have never been given the opportunity to participate in a federally sanctioned vote to determine Puerto Rico's political status. That is until today.

H.R. 2499 authorizes the government of Puerto Rico to conduct an initial plebiscite. In this process, eligible voters would be asked whether they wish to maintain the current political status or to have a different status. The rationale for this plebiscite is simple:

In accordance with the American principle of government by consent, Congress should seek the meaningful consent of Puerto Rico to the political status that it has had for more than 110 years. The American citizens of Puerto Rico have a right to determine their political future. This bill does not exclude any viable status option, nor does it provide for a change in status to be automatically implemented.

Under the initial plebiscite, eligible voters will be asked if they wish to maintain the current status or to have a different status. If a majority favors the current status, then the government of Puerto Rico would be authorized to ask voters this question again in 8 years. If a majority of voters cast ballots in favor of a different political status, then the government of Puerto Rico would be authorized to hold a second plebiscite on the three status options: independence, statehood, and free association.

The SPEAKER pro tempore. The time of the gentlewoman from Florida has expired.

Mr. LINCOLN DIAZ-BALART of Florida. I yield the gentlewoman an additional 30 seconds.

Ms. ROS-LEHTINEN. I thank the gentleman for the time.

After 111 years under the U.S. flag, our founding principles dictate that the people of Puerto Rico be allowed to determine their political future in a fair and orderly vote sponsored by the Federal Government.

And it is for those reasons, Mr. Speaker, that I urge my colleagues to vote "yes" on H.R. 2499, the Puerto Rico Democracy Act.

Mr. POLIS. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. GUTIERREZ), the author of two of the amendments that were made in order under this rule.

Mr. GUTIERREZ. I thank the gentleman from Colorado for allowing me the opportunity.

First of all, I really think that if you're going to talk about democracy, if you're going to talk about freedom, that if you're going to talk about self-determination, then you have to deal with the process, and this process is just patently unfair.

I thank the majority for two amendments. That was nice. But isn't it interesting that as a Democrat—100 percent Democrat, one that has been consistently a senior Democrat—that when I came down here in 1998 when it was Gingrich's bill, when the author was Young, when it was a Republican-sponsored bill and I went before the Rules Committee, I had seven amendments ruled in order. Each amendment was given 30 minutes. That's 210 minutes of debate time. And now when my party, the party that says they are promoting this legislation to foment, to foster, to encourage, and to engage the people of Puerto Rico in a democratic process, the Democratic majority has decided to give me two amendments and then 10 minutes each. Well, you do

the math. That's 10 to 1, 10 times more time, and that's just on mine.

I want everybody to remember—I think it's kind of sad—Dorothy Height. There is a wonderful ceremony. I would have liked to have been at that ceremony. Here is a woman who gave everything for freedom, for civil rights, and this Congress couldn't wait until after the funeral arrangements were completed to begin this debate? You don't want people on this House floor to hear this debate. You don't want a full, compelling, articulate debate on this issue. You want this issue done today. You want it done quickly. You want it done swiftly.

I am telling you, this is going to blow up just like the Goldman Sachs derivatives blowup that don't have any transparency. And then everybody's going to say, What, that happened? We don't know how that happened. We don't know what room that was put together in. We don't know who put it together. But we are going to make a case today, a case today that this bill is just not what it pretends to be.

□ 1045

It is a bill, I mean, listen to yourselves. You say: Well, we have to stop the current system. I agree. I don't like the current colonial system of Puerto Rico either. I think it is a bad system, too. I would like to eliminate it and make sure that it ends in Puerto Rico. But you want to know something, I want to do it with respect to the people of Puerto Rico. I want to make sure that as we engage in this process, it's proper, so I just want to read something to you. Here's what it says. It says that the people of Puerto Rico will be able to vote for statehood. But guess what, we don't define what "statehood" means. I think statehood, they should continue to have their Olympic team because the statehooders say they can continue to have their Olympic team. I think statehood, they should continue to speak Spanish and be the predominant language which it is today. Under statehood, I think that's fine. But we don't get to debate it or discuss it.

I think there are many issues we should look at, but we are not going to define statehood because you know what, the proponents don't want a definition.

Now independent, we don't need to define that either. What is the one alternative that we define, the current status. You know, that's like, can you imagine Barack Obama going to JOHN MCCAIN and saying: Hey, JOHN, by the way, would you set my platform for me so when we run against each other, I have to defend and articulate what you have said my platform is, because that's really what is happening here today.

Moreover, this is what is going to happen today: The people of Puerto Rico are going to be engaged in a process in which, you know, one of the alternatives is going to be sovereignty in

association with the United States. Let me repeat that. Sovereignty in association with the United States. People of America, call in if you know what that means. Call in right now if you've figured it out. I'm sure there are political scientists all over the country. You know what, it's okay if we don't understand it. The Congressional Research Service, that's what they're paid for. They have smart people there. You know what they said: It is ambiguous at best. And this is going to be congressionally sanctioned? And one of the alternatives our Congressional Research Service says they don't even have an explanation for. Let's have an open rule and let's vote "no."

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POLIS. I yield the gentleman an additional 30 seconds.

Mr. GUTIERREZ. Thank you so much.

Look, we had a debate the last time. If statehood wins, I'm going to support it. I'm going to support it, but it has got to win in a fair way. It has got to win in a fair way. And you know what, the people of Puerto Rico, 1967, 1993, 1998, they had a chance. Why is it that we are advancing this? What happened to the people of the District of Columbia who, on numerous occasions, have begged and implored this Congress to take action as America citizens, and we have done nothing. And the people who have said no, we don't think so, we are moving forward.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind Members to address their comments to the Chair.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Mr. Speaker, as today's debate begins on this very important issue, where opposition is obviously on both sides of the aisle, there are two basic points I wish to make: first, to express the fundamental unfairness of this rule for debate, as the previous speaker just pointed out; and second, to explain why the underlying bill violates this Nation's established precedents when it comes to admitting States in the Union.

First, this rule is unfair to both Republicans and Democrats. It is astonishing to me to see how the Democrat leaders are denying the amendments proposed and offered by Members of their caucus. Senior Democrat Members are being limited. Their amendments were blocked. Their ability to speak and engage in debate is being restricted. And for what possible reason, Mr. Speaker? By what justification is this necessary and how is it fair?

In 1998, when the House last debated a similar Puerto Rican bill, there was an open rule, as Mr. GUTIERREZ mentioned. That rule was supported by both the Republican chairman and the ranking Democrat at that time, and it

resulted in a full, all-day debate on this very important issue. So what is wrong with an open rule and a fair debate in 2010? This bill isn't about naming a post office; it is a bill that Congress is asking Puerto Rico if they want to become the 51st State. This is an important issue.

Amendments of importance, of ensuring Second Amendment rights by Puerto Rico if it becomes a State were blocked. Amendments to address the issue of English as an official language, that too was blocked.

Mr. Speaker, this rule should be defeated. Actually, the previous question should be defeated. And if the House is going to consider this bill, it should do so under an open process.

Second, the reason why such a thorough debate is necessary is that this bill is a dramatic departure from past procedures by which a State has sought and been admitted into the Union. Look at Alaska, look at Hawaii just in the last century. Look at numerous other States. They all held local referendum on the question of their desire to become a State. When a strong majority expressed their desire to become a State, the results of those individual referendum were communicated to Congress, and it was then that Congress responded to those referendum.

In this bill that process is exactly backwards. This bill is asking if Puerto Rico wants to become a State.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LINCOLN DIAZ-BALART of Florida. I yield the gentleman 1 additional minute.

Mr. HASTINGS of Washington. This bill has Congress blessing statehood before Puerto Rico even expresses its will. This bill isn't needed for Puerto Rico to hold a self-determination vote on what they desire of their future political plans. Puerto Rico can conduct a vote right now, just like they have done three times previously.

Mr. Speaker, it is wrong to deviate from the precedent of Alaska, Hawaii, and other States where those territories self-initiated a communication to Congress and Congress responded by making them States.

So, Mr. Speaker, I oppose this unfair rule for those reasons. I think that Republicans and Democrats on this important issue ought to have as much time as we had in 1998 to debate this issue. With that, I thank my friend for yielding me this time.

Mr. POLIS. Mr. Speaker, in brief response to the gentleman from Washington, all States, certainly including the residents of Puerto Rico, if they, in fact, become a State, would have the protections of the Second Amendment, as well as all of the other amendments and protections of our Constitution as interpreted by the Supreme Court.

And, of course, it is entirely up to States what they do with regard to recognizing official languages. My own State of Colorado has no official language. I understand there are other

States that do. Certainly any State can establish English, Spanish, French, whatever language they want, as an official language or languages.

Mr. Speaker, I would like to yield 5 minutes to the gentleman from New York (Mr. SERRANO).

(Mr. SERRANO asked and was given permission to revise and extend his remarks.)

Mr. SERRANO. Mr. Speaker, I thank the gentleman for the time.

My colleagues, I come to you today in a unique situation because, you see, I was born in the territory of Puerto Rico; and by being a resident of New York and having been raised in New York, I am able to be a Member of Congress. Not a Resident Commissioner, with all due respect to my brother, but a full voting Member of Congress.

And so I come fully understanding how it is to be able to look at yourself and to wonder what, if ever, will be resolved when it comes to the status of Puerto Rico.

This is a very significant moment and a very significant bill. For the first time in 112 years, the Congress of the United States will ask the 4 million American citizens in Puerto Rico what they wish their relationship to the United States to be. And it is done, I believe, in a fair way.

Now many will argue today that it is not binding on the Congress. That is a good thing because Congress can then take the results and analyze them and determine how it wants to apply the results, yes or no, whether it wants a higher vote for independence, if that is what they choose, or a higher vote for statehood. Congress can make that determination.

But I believe the process is fair. It says in the initial vote: Do you wish to remain as you are or do you wish to change your relationship to the U.S.? And then in the second vote if they choose for change, it says: Do you wish to become the 51st State, do you wish to become an independent nation, or do you wish to go and become an associated republic? Well, we have that. Some people say they don't know what that means. We have that. Micronesia is an associated republic of the United States. Palau is an associated republic of the United States. The Marshall Islands is an associated republic of the United States. So we know what that means.

I would argue for those who support commonwealth, that the next natural step of the commonwealth is free association unless they have a notice and it is statehood or unless they have been misled and it is independence. I think the next step is free association.

Why are those the three options available? Because all three options will remove Puerto Rico from the territorial clause of the Constitution of the United States, meaning it will no longer be a territory and then we can decide what to do.

It has been said here that Puerto Ricans have served our Armed Forces.

That means a lot to us. And it means a lot to be able to say to those veterans who are now in Puerto Rico that they will have a chance to express themselves.

Many have asked me, Joe, if it doesn't do all of the things that some people claim it does, why do you support this bill? Because it begins a process, because it allows people to speak, because we would have heard for the first time that we know that they have something that they want to change.

Now, the opponents claim that this bill pushes Puerto Rico to statehood. Now I grew up in New York, but I can tell you one thing as a fact that I know about the Puerto Rican community and Puerto Rico: they know the status issue through and through. I think from the time you are 10 years old, all you debate in Puerto Rico is the status and baseball. And the status is bigger than baseball. So no one in Puerto Rico will be forced to vote for statehood unless they want it. Nobody will be forced to vote for independence unless they want it. No one will be forced to vote for anything unless they want it. They are very adamant. You think I'm excited now, you should see the way they speak about those issues in Puerto Rico. Nobody will force them into anything.

At the same time, the opponents tell you there is no majority support for statehood in Puerto Rico, but they'll be forced to vote for statehood. I don't understand that; if there is no support, then they won't vote for statehood. That's a fact.

Now, briefly, some of the commonwealth people, with all due respect to them, have proposed a new commonwealth, but they have never presented it in legislative form. They've had years. In the 20 years I've been here, they've never presented the commonwealth in a legislative form. We have presented many bills that speak to self-determination.

What they propose, and are you ready for this, Puerto Rico would remain American citizens. Puerto Rico would get more Federal dollars. Puerto Rico would be able to choose and pick any Federal law it wishes to follow and not follow. And Puerto Rico would be able to exchange ambassadors with other countries. That's the commonwealth that has been proposed.

I want that for the Bronx. That's a great deal. And I am sure that the gentleman wants it for Florida. And the Texans would jump at it immediately. But that is not what it is. Give the people of Puerto Rico the opportunity to express themselves.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to my friend from Utah (Mr. CHAFFETZ).

Mr. CHAFFETZ. Mr. Speaker, I believe this is a rushed process. This should be considered under an open rule, as it has in the past. Even LOUISE SLAUGHTER, the chairwoman of the Rules Committee, was cited in Con-

gress Daily today saying she didn't know why the House is even taking up the bill.

I offered an amendment that said two-thirds of the people of Puerto Rico should vote affirmatively for statehood in order to move forward, yet that was not ruled in order. Believe me, we want to make sure that more than 51 percent of the people want this before we move forward. You don't want to get married to someone who is only 51 percent sure, for goodness sake.

Nobody necessarily even knows what is in this bill; sovereignty and association with the United States has been pointed out. I don't think the people understand what that necessarily means, certainly in this body.

And there is no need for a federally sanctioned vote. In 1967, 1993 and 1998, the people of Puerto Rico voted. They voted against statehood. There is no reason that the heavy hand of the United States Congress needs to come down and force the people of Puerto Rico to vote on this.

□ 1100

They can do it themselves. And if they do it, they should do it with a very simple question: Are you in favor of statehood, yes or no? That simplicity would go a long ways with people like me and a lot of others. Let's have that kind of straight vote.

We love the people of Puerto Rico. They're fellow citizens; they've served in our military. There is a great kinship. But it doesn't necessarily mean that the people of Puerto Rico want statehood. If they're going to have a vote, they should do so in Puerto Rico. They don't need the heavy hand of Congress; let them vote on that straight vote.

I stand in opposition to this rule and in opposition to this bill, and I urge my colleagues to do the same.

Mr. POLIS. Mr. Speaker, I yield 1 minute to the gentleman from Maryland, the distinguished majority leader, Mr. HOYER.

Mr. HOYER. I thank the gentleman from Colorado.

I rise in strong support of the bill. I rise in strong support of the underlying legislation. I am pleased to join my colleague from Puerto Rico (Mr. PIERLUISI) in support of the rule and the bill.

I know that Mr. PIERLUISI, who was elected to represent Puerto Rico in the Congress of the United States as their representative, has worked long and hard on this bill, as have so many of his predecessors. When I came to Congress, Carlos Barcelo was the representative of Puerto Rico, and he was for this. That was 30 years ago, and we're still talking about this. The gentleman from Puerto Rico and Mr. SERRANO make points that I would make.

Now, the gentleman who preceded me said that we are rushing this bill. This bill was reported out of committee last July, 30-8. This bill has 181 cosponsors,

broad bipartisan support in this Congress. And so we have brought this bill to the floor for consideration. It offers amendments to those who are opposed to this bill. It offers amendments, frankly, that I think are extraneous to the basic premise of this bill as well. The fact of the matter is that America prides itself on being the beacon for democracy.

What this bill does is celebrate democracy in Puerto Rico. I am grieved from time to time when I read that some of our fellow American citizens in Puerto Rico talk about the United States treating Puerto Rico as a colony. I don't know about the rest of you, but I'm not interested in having colonies. I don't perceive and have never perceived the United States as an imperial power with colonies. I perceive the United States of America as priding itself on being supportive of self-determination, of being committed to the premise that people freely ought to be able to come together and determine their own status.

That's what this legislation does. I don't think it does more than that or less than that. Unlike previous legislation, it does not say that if in fact the voters of Puerto Rico vote one way or the other, that action will automatically follow by this Congress. This Congress will then have to make a determination as to what relationship we want to have to Puerto Rico in a democratic fashion in this House and in the Senate, as should be the case.

The President of the United States has said he would want to see the status of Puerto Rico resolved. I want to see the status of Puerto Rico resolved. And, yes, if the citizens of Puerto Rico, under this bill, decide that they want to remain a Commonwealth and vote not to change, that will be the conclusion. If on the other hand they decide they want to have change, then they will have the options that the United Nations has set forth for colonies to become free nations.

I myself do not refer to Puerto Rico as a colony; some in Puerto Rico do. The fact of the matter is that it gives three options which are the three options sanctioned by the United Nations, and that is, for a free people to self-determine if they want to be an independent nation, or, alternatively, that they want to be a State, or, alternatively, they want to have a free association with the United States. That latter category, as I suppose similar to the relationship that England has to Australia and Great Britain or that Micronesia has, or some other entity that has its own independent laws, it's a sovereign nation, as is Canada; but the Queen of England is the head of their government. That may be somewhat like a free association. But whatever the people of Puerto Rico decide, it seems to me that I would be, as one Member, prepared to honor.

I am hopeful that today, after 111 years that Mr. SERRANO spoke about and that Mr. PIERLUISI has talked

about, that we do in fact give to the Puerto Rican people the option that they deserve to have and that our principles demand they have.

I hope my colleagues will support this rule. I hope they will support the bill, and I hope they will oppose amendments that will undermine this opportunity that can be a historic opportunity, not just for the people of Puerto Rico, but for the people of the United States of America to live out its pledge to peoples that have an association with us and, indeed, the principle that we ask other nations to honor as well of self-determination.

I thank the gentleman from Colorado (Mr. POLIS) for yielding.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my pleasure to yield 2 minutes to my friend from Georgia, Dr. BROWN.

Mr. BROWN of Georgia. I thank the gentleman for yielding.

Mr. Speaker, this legislation is the first step in a process that offers the Commonwealth of Puerto Rico an invitation to become a full member as a State in the greatest Nation in the world. It is neither onerous nor unfair to require that English be the only official language as a precondition for its admission. I introduced an amendment that would accomplish this on two separate occasions. Unfortunately, the Democrats in this body rejected my amendment on both occasions, both in the committee as well as in this rule. Without this commonsense amendment, this legislation is fundamentally flawed.

Throughout our Nation's history, the common thread that has united individuals of diverse backgrounds has been the common use of the English language. It is the glue that holds us together as a Nation. This amendment would help unite the island with the rest of the other 50 States if it is admitted as a State. President Ronald Reagan once said, "By emphasizing the importance of a common language, we safeguard a proud legacy and help to ensure that America's future will be as great as her past."

No territory with an official language other than English has ever been admitted to the Union. In fact, there are a number of former territories that had to comply with English preconditions before they were admitted to the Union, including Louisiana, Oklahoma, Arizona, and New Mexico. All of these States agreed to the condition that their schools shall always be conducted in English, and Puerto Rico should be no exception.

My amendment does not prevent the Puerto Ricans from speaking Spanish in their home, church, business, or on the streets in San Juan.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LINCOLN DIAZ-BALART of Florida. I yield the gentleman 1 additional minute.

Mr. BROWN of Georgia. I thank the gentleman.

It simply requires English to be the official language in public schools, local and State courts, State government agencies, and the Puerto Rican legislature. This should not be a huge problem because since 1900 English has been taught from kindergarten to the 12th grade in Puerto Rico. Without this amendment, children in Puerto Rico will never have the opportunity—never have the opportunity—to participate fully and equally with their fellow citizens.

It is my firm belief that insisting on Puerto Rico's adoption of English as its only official language must serve as a minimal requirement for consideration of its inclusion into our sacred Union. Since the Democrat leadership of this body rejected my amendment on two separate occasions, I urge this body to vote "no" on the rule and "no" on H.R. 2499.

Mr. POLIS. In response to the gentleman from Georgia, we live in a Federalist system. States have the ability to determine what languages are recognized in an official capacity. I think it would be misleading to the people of Puerto Rico in the context of a vote to insinuate that there is a Federal tyranny with regard to language.

We live in an affiliation of States, a Federalist system that reserves power for the States. I know that the gentleman from Georgia has generally been a standard bearer of the rights of States and the prerogatives of States and, in fact, the ongoing battle against the overreach of Federal powers, and this is certainly an example of that.

States have the ability to decide what languages to print things in—language or languages—certainly the ability to set the language that their own State legislature meets in. This would be an example of an overreach of the Federal Government were they to dictate that.

Mr. BROWN of Georgia. Will the gentleman yield?

Mr. POLIS. I will yield briefly.

Mr. BROWN of Georgia. I thank the gentleman from Colorado for yielding.

I believe very firmly that the only way that we are going to incorporate people into this country—and we have been a Nation of immigrants, and I believe very fully that we should continue to allow responsible immigration into this Nation—but English has been the common thread that has bound us all together. It should be the official language of America.

We have required Oklahoma, Louisiana, Arizona, and New Mexico to accept English as the official language to be admitted, and I don't think—

Mr. POLIS. Reclaiming my time, I think it's a very appropriate discussion to have. It's a discussion at the State level; and I know that some States have done precisely that. But, again, this would be an example of an overreach of the Federal Government where they would actually be involved with dictating to States that here you must speak Spanish, here you must speak

French, here you must speak English, although certainly the gentleman has argued there are many at the local and State level that have advocated those policies on behalf of particular States.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, as I said before, I would have opposed amendments like Dr. BROUN's on the floor, but I think that everyone should have an opportunity to be heard, even with ideas that I think are premature, because I don't know how the people of Puerto Rico are going to vote. So it's premature to say at this stage, okay, you have to speak this language or the other language because you're going to vote this way or the other way. No. No. All this does is start a process that will allow the people of Puerto Rico to speak. And it's the first time that there has been a federally authorized referendum for the people of Puerto Rico, and I think it's fair.

At this time, I yield 2 minutes to the distinguished gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in opposition to the rule and to the underlying bill, but it could have been otherwise, I might add.

The major flaw in H.R. 2499 is that it never allows an up-and-down vote, a yes-or-no vote on statehood or on any of the other status options presented to the people of Puerto Rico. It is a skewed process. It is designed to have a poll that will have a predetermined outcome.

I submitted an amendment to the Rules Committee that would have fixed this fundamental flaw. Unfortunately, the rule now before us does not make my amendment in order. So now, if this bill becomes law, it will not find out whether the people of Puerto Rico support statehood. All the plebiscite will tell us is whether the people of Puerto Rico prefer statehood to independence.

I can save us all a lot of trouble at that point. I concede—and most of my friends will concede, pretty much everyone involved in this issue will concede—that the Puerto Rican people would prefer statehood to independence or free association. So if everyone is willing to concede the only point that will be established in this bill, then why bother passing this bill and having two separate plebiscites just so we can find out what we already know?

We also know that when people have had a chance just to vote on statehood, they voted against it. Well, the answer is that the proponents want to get the results of this system that's been set up this way so they can paint the people's opinion of Puerto Rico in a different way. They want to try to convince Congress and the American people the vote will really mean that the Puerto Rican people want statehood, but they're not being given the chance to vote up and down on statehood. It's only statehood in relationship to the

other options, the other options that are offered on the ballot, I might add.

□ 1115

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LINCOLN DIAZ-BALART of Florida. I yield the gentleman an additional 30 seconds.

Mr. ROHRABACHER. So, if the people of Puerto Rico really wanted statehood, that could be demonstrated by a "yes" or "no" vote on statehood, for which my amendment would have provided; but the sponsors of this legislation don't want an up-or-down vote on statehood, apparently because they don't think they can get that outcome in a fair vote. So they want to set up the scenario, the only scenario by which they can win—a popularity contest between statehood, independence, and free association.

The people of Puerto Rico have a right to have an up-or-down vote on whether they want statehood right now as compared to their own status. This is a skewed poll, and it is stacking the deck. We should vote against this attempt to misrepresent the people of Puerto Rico.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my pleasure to yield 3 minutes to my friend, the distinguished ranking member of the Rules Committee, the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, "Who's on first?" is the natural question that comes to mind on this issue.

As we sat in the Rules Committee last night, we saw LUIS GUTIERREZ, CHARLIE RANGEL, and NYDIA VELÁZQUEZ join up with VIRGINIA FOXX. We have here on the floor concerns raised by DANA ROHRABACHER and DOC HASTINGS, and we have LINCOLN DIAZ-BALART; Mr. PIERLUISI, our former colleague, Governor Fortuno; and a number of members of the Republican leadership joining in support of this.

The bottom line is that we should do exactly what Mr. GUTIERREZ argued both in the Rules Committee and here on the floor last night. Now, I have stood in this well repeatedly, saying that I could have done a better job when I'd had the privilege of serving as chairman of the House Rules Committee. I could have had more open rules. I could have had more free-flowing debate. In fact, as this new majority was attempting to emerge to that majority status, I was criticized, and it was justified in some ways.

We were promised, though, as I and others were being criticized, Mr. Speaker, that we would have an entirely new direction for America and that there would be an open, free-wheeling debate. Well, there is no issue on which it is more apparent that we should be having a free-wheeling debate, an open amendment process, than on this issue before us today.

As we look at where it is we are going, I will say that I was troubled by the arrogance, the arrogance that was

exhibited in the Rules Committee last night. There were attempts made by people like Mr. GUTIERREZ, who submitted 16 amendments, and two of those 16 amendments were made in order. Ms. VELÁZQUEZ submitted six amendments, and three of hers were made in order. There were attempts made to make more amendments in order, and they were denied.

In 1998, as has been pointed out, we had a completely open amendment process. Let me say that, last night, in the Rules Committee, Mr. Speaker, when we made an attempt to put together a bipartisan amendment, we saw the arrogance of the Rules Committee demonstrated when there was a complete denial of even the chance to recess for 10 minutes so that the Democrats and Republicans could come together and offer a proposal.

I will make a pledge that, if I am fortunate enough to hold the gavel again and if a request is made by the minority to cobble together a bipartisan amendment to deal with an issue that is before us, I will assure the Members I will recess the committee and will allow Members to come together and work on that package.

We are going to have an opportunity in just a few minutes to defeat the previous question. If we do that, Mr. DIAZ-BALART will offer an open rule. Democrats and Republicans alike have been arguing for an open amendment process on this, Mr. Speaker.

So I ask my colleagues to vote "no" on the previous question so that we can have the free-flowing debate that this institution and the American people deserve.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I support the historic underlying legislation being brought to the floor today. Again, I commend Mr. PIERLUISI and Governor Fortuno.

In order to rightly return, however, to the open rule precedent set by the Republicans in 1998, I will be asking for a "no" vote on the previous question so that we can amend this rule and allow the House to consider the Puerto Rico Democracy Act under an open rule.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. I yield back the balance of my time.

Mr. POLIS. Mr. Speaker, I would like to emphasize that this bill is revenue neutral for the Federal Government and that all costs of the plebiscite will be paid by the Puerto Rican government.

The United States is committed to democracy, and this bill gives us the opportunity to respect the democratically arrived-upon decision of the people of Puerto Rico. I join the number of

sentiments that have been expressed today, including those from my friend and colleague from Florida, which are that, should Puerto Rico decide to seek independence, as an individual Member of Congress, I will support that. Should they decide to seek status as an associated republic, I will support that, and should they choose to join us as a State, I will support that.

This recent health care debate, I think, helped to show the people of Puerto Rico some of the advantages that might be attained were they a State. Their Resident Commissioner, PEDRO PIERLUISI, did an excellent job in trying to advocate for the interests of Puerto Rico in this health care debate, but he was but one vote. The people of Puerto Rico, counted and apportioned under a census, should have six Members of Congress, probably Members on both sides of the aisle, advocating for their interests alongside Members of Congress, representing other parts of our country. The current territorial status of Puerto Rico would end under any of the three options. No options would be subject to the territorial clause of the U.S. Constitution. As my colleague from New York has mentioned, this is a topic that is discussed constantly around dinner tables in Puerto Rico.

As a Member of Congress from Colorado, I respect the voice of the Puerto Rican people and of the Resident Commissioner, PEDRO PIERLUISI, who has been elected with this as part of his platform.

Given the current hyperpartisan environment under which Congress works, it is very good to see a bill with such strong bipartisan support. It is important to point out that this bill has over 180 cosponsors and that it was voted out of committee with a strong bipartisan majority. In addition, the highest of Puerto Rico's elected officials from both parties, including its Representative to Congress and Governor Luis Fortuño, along with a sizable majority of both chambers of its legislature, also support this bill. The reason is they understand that this bill upholds the most basic democratic tradition on which our country was founded.

Today, we can offer millions of people the right to self-determination. For too long, we have denied our fellow citizens this right, and we are now faced with an opportunity to fix this grievous injustice and to give the people of Puerto Rico the ability to self-determine. Therefore, I urge my colleagues to uphold this country's commitment to democracy and to vote for the underlying rule, which is a fair rule, and the legislation.

I urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 1305 OFFERED BY MR.
LINCOLN DIAZ-BALART OF FLORIDA

Strike all after the resolved clause and insert:

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 consideration of the bill (H.R. 2499) to provide for a federally sanctioned self-determination process for the people of Puerto Rico. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour and 30 minutes, with one hour equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources and 30 minutes controlled by Representative Velazquez of New York or her designee. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman 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. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

(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. POLIS. 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.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 23 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1215

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro