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 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. HASTINGS of Washington. 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.

□ 1145

PROVIDING FOR CONSIDERATION OF H.R. 5658, DUNCAN HUNTER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1213 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1213

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. 5658) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2009, and for other purposes. 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 two hours equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. After general debate, the Committee of the Whole shall rise without motion. No further consideration of the bill shall be in order except pursuant to a subsequent order of the House.

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

Mr. HASTINGS of Florida. For the purpose of debate only, Mr. Speaker, I yield the customary 30 minutes to the gentleman from Washington, my good friend, Mr. HASTINGS. All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. HASTINGS of Florida. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous material in the RECORD.

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

There was no objection.

Mr. HASTINGS of Florida. I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1213 provides for consideration of general debate for H.R. 5658. This debate will come under a structured rule.

The rule provides 2 hours of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. The rule waives all points of order against the bill's consideration except those arising under clause 9 or 10 of rule XXI.

As the chairwoman of the Rules Committee announced yesterday evening, the committee intends to meet later today to report out an additional rule which will provide for the remaining consideration of the bill, including amendments and final passage.

This two-part process has been used over the years to ensure that the Rules Committee has ample time to consider the amendments submitted to the committee, and there were a substantial number of amendments offered.

Mr. Speaker, the National Defense Authorization Act is one of the most comprehensive and important pieces of legislation that the House considers each year. The overwhelmingly bipartisan support for this bill is proof that we understand our obligation as legislators to support our military and ensure our national security by coming together and producing quality measures.

I am proud that the chairman and ranking Republican of the Armed Services Committee introduced the underlying legislation together. Chairman SKELTON and Representative HUNTER are to be congratulated for a job well done. Without their work, the unanimous support for the bill with a vote of 61–0 in the Armed Services Committee would not have been possible.

Mr. Speaker, for too long, President Bush's administration has neglected the needs of our military. I was just in Baghdad 2 days ago, and I saw evidence of this neglect. While the President has shown little hesitation to send troops into harm's way, his refusal to take care of them and their families when they return is downright despicable.

The underlying National Defense Authorization Act gives our servicemen and -women and their families the resources that they need and deserve. That includes providing a 3.9 percent pay raise for all servicemembers and expands the authority of the Defense Department to offer bonuses.

This bill takes care of our soldiers and their families by increasing access to financial aid for education, expanding survivor benefits, and enhancing health care services. And it rejects President Bush's proposal to inflict $1.9 billion in TRICARE fee and premium increases and other increases in health care costs for soldiers.

The bill also strengthens our national security by providing our troops with state-of-the-art equipment and authorizes the expansion of the military.

It includes fiscally responsible provisions that are designed to increase efficiency and accountability in the military.

The bill cracks down on the Blackwaters of the world and requires the Department of Defense to put into place policies and systems under which contractors are held accountable for their actions.

The underlying legislation also addresses the issue of readiness. Our Armed Forces are hurting today because we continue to ask them to do more with less.

Under this bill, Congress is making it clear that at least one of the three branches of government will not allow rhetorical and ideological policies to stand in the way of doing the right thing by our troops.

We continue to send our brave young men and women into battle without proper equipment or protection. The National Defense Authorization Act authorizes nearly $800 million for personal body armor, as well as $2.6 billion for mine resistant ambush-protected vehicles for our troops in the Middle East.

Finally, the bill prohibits the establishment of permanent bases in Iraq, requires the Iraqis to invest in the reconstruction of their own country, and I, for one, have emphasized this repeatedly since the beginning of this adventure in Iraq. And this bill provides funds to help train both Iraqi and Afghani security forces.

Mr. Speaker, no one political party holds a monopoly on national security. The underlying legislation is clear evidence that, under new leadership, Congress is addressing the needs of our armed services.

America cannot afford to continue to make the same mistakes we have made in the past. The stakes are too great, and the world is too dangerous.

I urge my colleagues to support this rule and the underlying legislation.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank my friend and namesake from Florida (Mr. HASTINGS) for yielding me the customary 30 minutes to discuss part one of the proposed rule for the consideration of the Duncan Hunter National Defense Authorization Act of 2009, and I yield myself as much time as I may consume.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, this legislation, which was approved by the Armed Services Committee by a unanimous vote of 61–0, as my friend from Florida mentioned, would make a number of very positive improvements to our armed services, and I think this entire House should be particularly proud of the committee's bipartisan efforts to improve the quality of life and safety of those serving our country in the armed services and their families.

This legislation would authorize $600 billion in spending for our Nation's Armed Forces, including $530 billion in spending for defense programs at the Pentagon and Energy Departments and $70 billion to bolster the success of ongoing military operations in Iraq and Afghanistan for part of 2009.

It would authorize $783 million for continued procurement and enhancement of current body armor systems; $1 billion for the training and support of the Iraqi security forces; and nearly $2 billion for unfunded readiness initiatives as requested by the services.

It increases Active Duty Army personnel, Mr. Speaker, by 7,000 and Active Duty Marine Corps personnel by 5,000, while also providing our uniformed servicemembers with a much-deserved pay raise of 3.9 percent.

And for our active duty troops and veterans who have already done so much to serve our country, it prohibits increased copayments and premiums for TRICARE recipients, and expands suicide prevention efforts.

Finally, Mr. Speaker, this legislation also requires the Secretary of Defense to provide an annual report on Iran's nuclear capabilities so that this Congress can take a proactive role on recognizing the potential of this threat and be made aware of the threat that these capabilities pose to America and our allies.

While this legislation does a great deal to improve our armed services and to provide them with the resources that they need—and it accomplishes much of this in a cooperative, bipartisan fashion—there are a few areas that I think could still be greatly improved.

While the Rules Committee has not yet reported out a rule governing amendment debate on this legislation—we will do that this afternoon—I want to take this opportunity to make clear that there are a number of areas that I and a number of my Republican colleagues believe can be used to improve this bill through the amendment process.

First, it is my hope that the amendment process for this year's authorization bill, while it will be a structured rule, will still be as open as it has been under Republican majority, when between 30 and 40 amendments were regularly allowed to be debated and decided by the entire House of Representatives.

Of particular concern is the reduction in funds and focus that the Armed Services Committee chose to provide in this bill for protecting America from the threat posed by ballistic missiles.

In the Armed Services Committee, my colleague TERRY EVERETT from Alabama offered amendments to both authorize the President's request fully for missile defense and allow procurement to go forward and to restore half of the $10 million that the committee eliminated from the request for the study of a space test bed.

Congressman TRENT FRANKS of Arizona, a fellow cochairman of the Missile Defense Caucus, offered his own amendment to add $100 million to a program to launch multiple interceptor missiles at once to defeat multiple incoming missiles or decoys in the event of an attack.

While these amendments, Mr. Speaker, were defeated in committee, I believe that the entire House should have the opportunity to hear their arguments and make their own decisions on these issues, as well as the amendment by my Rules Committee colleague, Mr. SESSIONS of Texas, to state the sense of Congress that we need to support the development, testing, and fielding of the capability to intercept ballistic missiles in their boost phase to protect America's interests.

Again, Mr. Speaker, while this rule provides for 2 hours of general debate on the bill, there are areas that this House needs and deserves to address through the amendment process. That will be addressed in the second rule that we will discuss in the Rules Committee tonight and will presumably be on the floor tomorrow. I certainly hope that the House is given a full and fair chance to consider these issues that I've highlighted, as well as others.

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

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield to the chairman of our Armed Services Committee, my good friend, Representative SKELTON, 4 minutes.

Mr. SKELTON. I thank the gentleman from Florida for yielding.

I appreciate the fact that we will be again having a rule taken up in the Rules Committee. I look forward to the second rule for tomorrow.

I rise, Mr. Speaker, in favor of the rule. This is an excellent bill. It is, of course, the annual defense authorization bill, bipartisan I should say, very bipartisan in nature because the vote on final passage out of our committee was 61 Members to none. And I cannot be more pleased with the work that our committee has done, the ranking members, the subcommittee chairmen who really did yeoman's work, and I want to thank them for all their excellent and successful efforts.

□ 1200

I might mention at the outset that this defense authorization bill, which is for 2009, is named in honor of former chairman, now ranking member, who will not be returning to us next year, the gentleman from California, DUNCAN HUNTER. That is certainly fitting and proper that we do so to recognize his efforts on national security through the many years he served on the committee, as well as the leadership positions.

This bill authorizes $531 billion in spending for the defense and national security functions of the Department of Energy. It also authorizes a $70 billion bridge fund, which will be considered shortly.

The pay raise to the troops, 3.9 percent, is five-tenths of a percent more than the administration recommended. And it rolls back the administration's proposed fee increases on health care as well as pharmacy costs. It increases the size of the military, something I have been urging since 1995. It increases the size of the Army by 7,000 and the Marines by 5,000. They're overburdened and they're strained, and this is one step towards relieving that strain.

A major problem today is that of readiness, or a lack of readiness. We restore a great deal of readiness to the military in this bill in various manners, essentially in training and equipment.

There is $800 million in National Guard and Reserve equipment; $650 million to upgrade military barracks for those trainees that are coming through. It improves our efforts in Afghanistan. It bans permanent bases in Iraq. It requires Iraq to do more for itself in the reconstruction area, establishing a formula by which they, with their oil surplus, will have to contribute toward that end.

There are additional steps regarding contractor oversight.

Regarding nuclear nonproliferation, we increase the funding by $245 million. That's a very major step. The European missile defense effort was cut by $370 million. It does a great deal toward national security.

I want to take this opportunity to support the rule, and of course when the time comes, to support the bill itself. Hopefully we will have some excellent amendments that will be considered tomorrow. And we will send this on to the Senate and hopefully have an excellent bill at the end of the day.

The young people in uniform, of whom we're so very, very proud, deserve the best. This is one way we in Congress can make sure they get the very best through this defense authorization bill.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from California, a person in whose name this defense bill is named after. I would join my friend from Missouri, the chairman of the committee, suggesting and acknowledging that it is an honor that is well, well deserved.

I had an opportunity to serve on the committee for 2 years, my first 2 years in Congress. There are probably few, if any, that are more knowledgeable on these issues surrounding defending our country than the namesake of this defense authorization bill.

I now yield 3 minutes to my friend from California (Mr. HUNTER).

Mr. HUNTER. I thank the gentleman. And I do want to say there is a gentleman here who's got more knowledge than I have on this defense bill, and he just spoke. I want to give my thanks to Chairman SKELTON for doing a great job of putting together an excellent bill which passed unanimously out of the Armed Services Committee.

He followed very strongly what I call the two tracks that we're on. The first track is to provide for the warfighters in the theaters that are currently in progress in Afghanistan and Iraq and around the world, where we're fighting the global war against terror. We do so very well in this bill in terms of putting in lots of extra money for MRAPs, for force protection, for defense against mortars, against roadside bombs, and all the other things that are important aspects and dimensions of force protection.

Then we also provide for what I call over the horizon. That means that we've provided, with the very able chairmen of the subcommittees and the ranking members, for continued equipment buys in critical areas and put in extra money for submarines, which we will have low numbers in the next 5 to 10 years, but are a very important part of American leverage in foreign policy and a very important component of warfighting. Putting in extra money for C–17s, for that airlift that is so critical, for giving a good solid buy on F–22s this year and Joint Strike Fighter.

Also the report that I've received back from the Marines is that the first V–22s are now in theater in Iraq and that they're working very well. The Marines like that doubling of speeds that they now have over the CH–46 helicopters. That's accruing to their benefit in lots and lots of operations.

The chairman and the chairmen of the subcommittees and the ranking members I think have done a great job of filling out both tracks of both the near term and the long term in this bill.

I thank Mr. SKELTON for his kind words. Let me tell you, one of the real blessings in serving in this body is to be able to serve with a great partner, whether you're the chairman or the ranking member. The chairman has done a wonderful job in putting this bill together. The man from Missouri is an outstanding leader in national security, and I applaud him for his great career.

I know we also have two members retiring, Mr. SAXTON, who for many years chaired the Special Operations Subcommittee, very important subcommittee, is now ranking on Air Land. And Mr. EVERETT, who is ranking on Strategic. JIM SAXTON, I have watched him go around the world visiting with our special operators, ensuring that they had what they needed.

The SPEAKER pro tempore (Mr. HOLDEN). The gentleman's time has expired.

Mr. HASTINGS of Washington. I yield the gentleman 2 additional minutes.

Mr. HUNTER. I thank the gentleman for yielding, and I thank him for his great service on the Armed Services Committee. You can trade up anytime you want to and come back off that old Rules Committee and come back to Armed Services.

But Mr. SAXTON has done yeomen's work in providing for special operations, for operations that aren't given ticker-tape parades in which a number of people know about and are briefed on, but which are crucial to our Nation's security. Those men and women who serve in those very important positions in special operations can be thankful they had JIM SAXTON over these years to be supportive of them. And he is still supportive of them in his job as ranking member to Mr. ABERCROMBIE on Air Land.

Similarly, Mr. EVERETT has an insight and understanding of matters relating to space and missile defense that I think are matched by very few people in this country. And TERRY EVERETT is the master of the closed briefing. He makes very few speeches. TERRY EVERETT is not a guy you look to for long speeches, he's a guy you look to for hard work, for thoughtful analysis, and for doing the right thing when it comes to making sure that as we move into the next 5 to 10 years, we have what it takes in missile defense and in space to ensure America's security.

I want to applaud those retiring members of the committee and once again thank my chairman and all the members of the Armed Services Committee who make this such a great bipartisan committee.

I think we need to support this rule and move this great package down the road.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to my friend, the gentleman from Wisconsin (Mr. KAGEN).

Mr. KAGEN. Mr. Speaker, I rise today in strong support of the rule for the National Defense Authorization Act and the underlying legislation.

As Congress authorizes this critical funding for the defense of our Nation and its interests abroad, we also have an opportunity to make sure that the current nationwide mortgage housing situation does not adversely affect our veterans.

Current law provides some protections from bankruptcy and foreclosure for the men and women in uniform while serving in harm's way. But it does not provide for debt forgiveness or other relief from contractual obligations of servicemembers who have been called to active duty.

Given the frequency with which military homeowners are forced to move to different bases throughout the country and overseas, our brave service men and women should not have to worry about forestalling or even preventing mortgage foreclosure.

I commend Chairman SKELTON and Mr. HASTINGS and ranking members for including provisions of a bill that I authored that calls upon the Secretary of Defense to establish a mortgage foreclosure and credit counseling program for members of the armed services and those who are returning from overseas.

Credit counseling is available from many sources, including State and local governmental agencies, but not all counseling services are the same or even legitimate. Providing veterans with credible information through the Department of Defense will enhance their ability to make sound financial decisions during difficult times and to provide assistance before a potential problem or crisis arises.

Therefore, I urge my colleagues to support passage of the National Defense Authorization Act.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Texas, a member of the Armed Services Committee, Mr. CONAWAY.

Mr. CONAWAY. Mr. Speaker, I thank my colleague from Washington for yielding some time.

I did vote for the underlying bill that this rule is associated with and intend to vote for it on the floor as it is currently drafted. But I'm going to speak against the rule and intend to vote against the rule, should we get that vote.

While the Defense Authorization Act doesn't have much public policy in relation to energy in it, it is a beneficiary of good, sound national energy policy.

DOD is the single largest department purchaser of energy of any of the Federal agencies that this Congress oversees. It would benefit dramatically by decreases in costs of energy, as would every consumer, every American home would as well. And conversely, its budgets are dramatically negatively impacted with rampant run-up in costs. We fly jets, we drive tanks and Humvees and other vehicles, and we have to buy that fuel to get that done. These increased costs as a result of an unsound national policy on energy are a detriment to the Department of Defense.

A sound national policy on energy should promote additional supplies of domestically produced sources, both fossil fuel sources as well as unconventional sources. It's not an either/or, it ought to be both. And this Democratically led House has consistently, over the last 16 months, had a very negative bias against fossil fuel sources.

Every rational projection of energy usage over the next 20 to 30 years shows that we will continue to be reliant on crude oil and natural gas for that entire time frame. The larger the domestic supply of crude oil and natural gas we have, the less dependent we are on foreign sources and the cheaper it will be. There is an action in economic law for supply and demand that says if you restrict the supply, then your costs are going up. And increased costs of energy and fuel to the Department of Defense is a negative that we ought to address.

If you punish the producers of crude oil and natural gas, you're going to get less of it. The bill we passed yesterday, which unleashes the Department of Justice on an unwarranted witch hunt against the oil and gas industry, will increase costs and will, therefore, have a negative impact on the operations of the Defense Department, which this authorization bill governs. Those increased costs are not in the best interests of Americans and not in the best interests of the Department of Defense.

So while this bill and this rule do not specifically address our national energy policy, a policy that is sound and promotes domestic production of both crude oil and natural gas as well as unconventional sources of energy to supply our Department of Defense with the energy it needs to fly those airplanes, drive those tanks, drive those Humvees, and light the offices at the Pentagon, as well as the housing associated with the Department of Defense, is in all of our best interests. I would urge our colleagues to look at that as we approach these issues.

I urge a ''no'' vote on this rule.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Colorado, my friend, a member of the Armed Services Committee, Mr. UDALL.

(Mr. UDALL of Colorado asked and was given permission to revise and extend his remarks.)

Mr. UDALL of Colorado. I thank the gentleman from Florida for yielding.

Mr. Speaker, I rise in strong support of this rule and this bill. I want to start by applauding Chairman SKELTON for his leadership and also Ranking Member HUNTER. They have done a tremendous job as have their expert staff.

I am particularly grateful to Chairman SKELTON and Chairman SMITH for working with me to provide an important provision for Colorado. The bill prohibits the Department of Defense from transporting away from the Pueblo chemical depot in the 2009 fiscal year the hazardous wastes left after the chemical treatment of mustard agent.

This language is necessary because the DOD continues to look at treating these secondary wastes offsite despite studies showing that shipping these wastes will not yield benefits and despite the clear preferences expressed by the community of Pueblo to treat these wastes onsite.

Last year, Congress mandated that the DOD complete all chemical weapons destruction activities, including the destruction of 2,600 tons of liquid mustard agent housed at the Pueblo depot by 2017. The Department of Defense should get on with this approved plan to treat the secondary wastes at the depot and not delay this program any further.

□ 1215

More broadly, our bill focuses on our military's readiness needs. After more than 5 years at war, both the Active Duty and Reserve forces are stretched to their limits. Our bill will provide what's needed to respond, including funds to address equipment shortages for Active Duty and Reserve forces, improve the quality of our military barracks, ammunition maintenance, and expand training opportunities, among other important readiness needs. It increases Army end strength, consistent with the Tauscher-Udall Army expansion bill in the last Congress. And, importantly, it will provide for a 3.9 percent across-the-board pay raise for servicemembers, boost funding for the defense health program, and prohibit increasing TRICARE and pharmacy user fee increases.

Mr. Speaker, this is an excellent bill, carefully drafted and bipartisan, and I urge its passage.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of my time.

Once again I am going to ask my colleagues to defeat the previous question so that, with the high price of gasoline that all Americans have experienced, by defeating the previous question, this House can finally consider solutions to rising energy costs. When the previous question is defeated, I will move to add a section to the rule, not rewrite the entire rule, that would allow the House to consider H.R. 5984, the Clean Energy Tax Stimulus Act of 2008, introduced by my colleague from Maryland (Mr. BARTLETT), as well as ''any amendment which the proponent asserts, if enacted, would have the effect of lowering the national average price per gallon of regular unleaded gasoline and diesel fuel by increasing the domestic supply of oil by permitting the extraction of oil in the Outer Continental Shelf.''

Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous material inserted into the RECORD prior to the vote on the previous question.

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

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I urge my colleagues to defeat the previous question once again so that we can consider this vitally important issue for America's families, workers, truckers, small businesses, and, for that matter, the entire economy.

Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, when Democrats were elected to the majority in 2006, we promised America that we would govern responsibly, with conviction and in a bipartisan fashion.

The Duncan Hunter Defense Authorization Act for Fiscal Year 2009, named appropriately after our colleague from California, is a bill that is a perfect example of all three of these things. It is further proof of how things have changed here in the House in a very short period of time.

The bill continues the necessary cleaning up of the mess created by the Bush administration by modernizing our forces and restoring readiness to our military. It gives our Armed Forces the tools they need to get the job done abroad while taking care of our soldiers and their families here at home.

This is a good rule for a great bill. I urge my colleagues to support both.

The material previously referred to by Mr. HASTINGS of Washington is as follows:

AMENDMENT TO H. RES. 1213 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

SEC. 2. That upon adoption of this resolution the Speaker shall, 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. 5984) to amend the Internal Revenue Code of 1986 to provide for the limited continuation of clean energy production incentives and incentives to improve energy efficiency in order to prevent a downturn in these sectors that would result form a lapse in the tax law. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. After general debate the bill shall be considered for amendment under the five-minute rule. All

points of order against provisions in the bill are waived. No amendment to the bill shall be in order except any amendment which the proponent asserts. if enacted, would have the effect of lowering the national average price per gallon of regular unleaded gasoline and diesel fuel by increasing the domestic supply of oil by permitting the extraction of oil in the Outer Continental Shelf. Such amendments shall be considered as read, shall be debatable for thirty minutes 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 in the House or in the Committee of the Whole. All points of order against such amendments are waived. 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 he considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit 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 form Congressional Quarterly's ''American Congressional Dictionary'': ''If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. HASTINGS of Florida. 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 ayes appeared to have it.

Mr. HASTINGS of Washington. 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.

PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON S. CON. RES. 70, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009

Mr. MCGOVERN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1214 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1214

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the concurrent resolution (S. Con. Res. 70) setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read. The conference report shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget.

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

Mr. MCGOVERN. Mr. Speaker, 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.

I yield myself such time as I may consume, and I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1214.

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

There was no objection.

Mr. MCGOVERN. Mr. Speaker, House Resolution 1214 provides for consideration of the conference report to accompany S. Con. Res. 70, the concurrent resolution on the budget for fiscal year 2009.

House resolution 1214 is a traditional conference report rule. It waives all points of order against the conference report and against its consideration and provides that the conference report shall be considered as read. The rule provides for 1 hour of general debate equally divided and controlled by the chairman and the ranking minority member of the Committee on the Budget.

Mr. Speaker, budgets are moral documents. They are more than just an accounting of expenditures and revenue. They are statements of our national values and priorities. For too long Congress passed budgets with the wrong priorities. For too long the budget put the interests of the powerful before the needs of working families and those going through hard times. And for too long the budgets of the past pretended that people who were struggling didn't even exist, let alone matter.

That has changed now. This Congress, the New Direction Congress, is saying that we value our families and their economic future. This Congress will fight to make sure that their hard work is rewarded and that the American Dream is renewed.

This 5-year budget conference agreement charts a new way forward for the country. It makes investments in energy, education, and infrastructure. It provides tax relief for the middle class. It returns the budget to surplus in 2012 and 2013. And it remembers those whose service and sacrifice here at home and abroad provide the rest of us with security and peace of mind. Mr. Speaker, this is a budget with a conscience.

Today, as we move to pass this conference agreement on the budget, our country faces major challenges: an economic recession, a crisis in the credit markets, a plunging housing market, rising unemployment, declining family income, skyrocketing costs in health care, aging infrastructure, and a safety net struggling to keep up with the growing number of Americans unable to meet their most basic needs.

Faced with these challenges, President Bush and his Republican colleagues proposed the same tired, failed economic and fiscal policies. After 7 years the Bush legacy is the highest deficits in our Nation's history. The Bush legacy is the greatest national debt in our Nation's history. Future generations, our children and our grandchildren, will be forced to pay the