

I urge a “yes” vote of my colleagues 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. 257, AS REPORTED OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution, insert the following new section:

SEC. 2. Immediately upon adoption of this resolution, without intervention of any motion or recess, the Speaker shall entertain a motion offered by the Minority Leader or his designee, that the House suspend the rules relating to the bill (H.R. 1577) to require the Secretary of the Treasury to pursue every legal means to stay or recoup certain incentive bonus payments and retention payments made by American International Group, Inc. to its executives and employees, and to require the Secretary's approval of such payments by any financial institution who receives funds under title I of the Emergency Economic Stabilization Act of 2008. Clause 8(a) of rule XX shall not apply to such motion. A motion to adjourn shall not be in order during consideration of such motion.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives*, (VI, 308-311) describes the vote on the previous question on the rule as “a motion to direct or control the consideration of the subject before the House being made by the Member in charge.” To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that “the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition” in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: “The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.”

Because the vote today may look bad for the Democratic majority they will say “the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.” But that is not what they have always said. Listen to the definition of the previous question used in the *Floor Procedures Manual* published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's “American Congressional Dictionary”: “If the previous question is defeated, control of debate shifts

to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.”

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

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

Ms. PINGREE of Maine. I yield back the balance of my time and 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.

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

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

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

The Clerk read as follows:

H. RES. 265

Whereas, Mr. Paul Magliocchetti, a former Appropriations Committee staffer, founded a prominent lobbying firm specializing in obtaining defense earmarks for its clients and whose offices—along with the home of the founder—were recently raided by the FBI.

Whereas, the lobbying firm has shuttered its political action committee and is scheduled to cease operations at the end of the month but, according to the *New York Times*, “not before leaving a detailed blueprint of how the political money churn works in Congress” and amid multiple press reports that its founder is the focus of a Justice Department investigation. (The *New York Times*, February 20, 2009)

Whereas, CQ Today noted that the firm has “charged \$107 million in lobbying fees from 2000 through 2008” and estimates of political giving by the raided firm have varied in the press, with The Hill reporting that the firm has given \$3.4 million to no less than 284 members of Congress. (CQ Today, March 12, 2009; The Hill, March 4, 2009)

Whereas, The Hill reported that Mr. Magliocchetti is “under investigation for [the firm's] campaign donations,” the *Washington Post* highlighted the fact that federal

investigators are “focused on allegations” that he “may have reimbursed some of his staff to cover contributions made in their names . . .” and the *New York Times* noted that federal prosecutors are “looking into the possibility” that he “may have funneled bogus campaign contributions” to members of Congress. (The Hill, February 20, 2009; The *Washington Post*, February 14, 2009; The *New York Times*, February 11, 2009)

Whereas, Roll Call reported on “the suspicious pattern of giving established by two Floridians who joined [the firm's] board of directors in 2006” and who, with “no previous political profile . . . made more than \$160,000 in campaign contributions over a three-year period” and “generally contributed the same amount to the same candidate on the same days.” (Roll Call, February 20, 2009)

Whereas, The Hill also reported that “the embattled defense lobbyist who led the FBI-raided [firm] has entered into a Florida-based business with two associates whose political donations have come into question” and is listed in corporate records as being an executive with them in a restaurant business. (The Hill, February 17, 2009)

Whereas, Roll Call also reported that it had located tens of thousands of dollars of donations linked to the firm that “are improperly reported in the FEC database.” (Roll Call, February 20, 2009)

Whereas, CQ Today recently reported that Mr. Magliocchetti and “nine of his relatives—two children, his daughter-in-law, his current wife, his ex-wife and his ex-wife's parents, sister, and brother-in-law” provided “\$1.5 million in political contributions from 2000 through 2008 as the lobbyist's now-embattled firm helped clients win billions of dollars in federal contracts,” with the majority of the family members contributing in excess of \$100,000 in that timeframe. (CQ Today, March 12, 2009)

Whereas, CQ Today also noted that “all but one of the family members were recorded as working for [the firm] in campaign finance reports, and most also were listed as having other employers” and with other occupations such as assistant ticket director for a Class A baseball team, a school teacher, a police sergeant, and a homemaker. (CQ Today, March 12, 2009)

Whereas, in addition to reports of allegations related to reimbursing employees and the concerning patterns of contributions of business associates and board members, ABC News reported that some former clients of the firm “have complained of being pressured by [the firm's] lobbyists to write checks for politicians they either had no interest in or openly opposed.” (ABC News The Blotter, March 4, 2009)

Whereas, Roll Call has taken note of the timing of contributions from employees of Mr. Magliocchetti's firm and its clients when it reported that they “have provided thousands of dollars worth of campaign contributions to key Members in close proximity to legislative activity, such as the deadline for earmark request letters or passage of a spending bill.” (Roll Call, March 3, 2009)

Whereas, reports of the firm's success in obtaining earmarks for their clients are widespread, with CQ Today reporting that “104 House members got earmarks for projects sought by [clients of the firm] in the 2008 defense appropriations bills,” and that 87 percent of this bipartisan group of Members received campaign contributions from the raided firm. (CQ Today, February 19, 2009)

Whereas, clients of Mr. Magliocchetti's firm received at least three hundred million dollars worth of earmarks in fiscal year 2009 appropriations legislation, including several that were approved even after news of the FBI raid and Justice Department investigation into the firm and its founder was well known.

Whereas, the Chicago Tribune noted that the ties between a senior House Appropriations Committee member and Mr. Magliocchetti's firm "reflect a culture of pay-to-play in Washington." and ABC News indicated that "the firm's operations—millions out to lawmakers, hundreds of millions back in earmarks for clients—have made it, for many observers, the poster child for tacit "pay-to-play" politics . . ." (Chicago Tribune, March 2, 2009; ABC News The Blotter, March 4, 2009)

Whereas Roll Call has reported that "a handful of lawmakers had already begun to refund donations tied to" the firm "at the center of a federal probe . . ." (Roll Call, February 23, 2009)

Whereas, the persistent media attention focused on questions about the nature and timing of campaign contributions related to Mr. Magliocchetti, as well as reports of the Justice Department conducting research on earmarks and campaign contributions, raise concern about the integrity of Congressional proceedings and the dignity of the institution.

Whereas, the fact that cases are being investigated by the Justice Department does not preclude the Committee on Standards from taking investigative steps: Now, therefore, be it

Resolved, That

(a) The Committee on Standards of Official Conduct, or a subcommittee of the committee designated by the committee and its members appointed by the chairman and ranking member, shall immediately begin an investigation into the relationship between the source and timing of past campaign contributions to Members of the House related to the founder of the raided firm and earmark requests made by Members of the House on behalf of clients of the raided firm.

(b) The Committee on Standards of Official Conduct shall submit a report of its findings to the House of Representatives within 2 months after the date of adoption of the resolution.

The SPEAKER pro tempore. The resolution qualifies.

MOTION TO TABLE

Mr. BECERRA. Mr. Speaker, I move to lay the resolution on the table.

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

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

Mr. FLAKE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to table will be followed by 5-minute votes on ordering the previous question on H. Res. 257, and adopting H. Res. 257, if ordered.

The vote was taken by electronic device, and there were—yeas 226, nays 180, answered "present" 15, not voting 10, as follows:

[Roll No. 141]

YEAS—226

Abercrombie	Arcuri	Becerra
Ackerman	Baca	Berkley
Adler (NJ)	Baird	Berman
Altmire	Baldwin	Berry
Andrews	Barrow	Bishop (GA)

Bishop (NY)	Holt
Blumenauer	Honda
Boren	Hoyer
Boswell	Inslee
Boucher	Israel
Boyd	Jackson (IL)
Brady (PA)	Jackson-Lee
Braley (IA)	(TX)
Brown, Corrine	Johnson (GA)
Capps	Johnson, E. B.
Capuano	Jones
Cardoza	Kagen
Carnahan	Kanjorski
Carney	Kaptur
Carson (IN)	Kennedy
Childers	Kildee
Clarke	Kilpatrick (MI)
Clay	Kilroy
Cleaver	Kissell
Clyburn	Klein (FL)
Cohen	Kratovil
Connolly (VA)	Kucinich
Conyers	Langevin
Cooper	Larsen (WA)
Costa	Larson (CT)
Costello	Lee (CA)
Courtney	Levin
Crowley	Lewis (GA)
Cuellar	Lipinski
Cummings	Lowe
Dahmke	Lujan
Davis (AL)	Lynch
Davis (CA)	Maffei
Davis (IL)	Maloney
Davis (TN)	Markey (CO)
DeFazio	Markey (MA)
DeGette	Marshall
DeLauro	Massa
Dicks	Matheson
Dingell	Matsui
Doggett	McCarthy (NY)
Doyle	McCollum
Driehaus	McDermott
Edwards (MD)	McGovern
Edwards (TX)	McMahon
Ellison	Meek (FL)
Engel	Meeks (NY)
Eshoo	Melancon
Etheridge	Michaud
Farr	Miller (NC)
Fattah	Miller, George
Filner	Mollohan
Frank (MA)	Moore (KS)
Fudge	Moore (WI)
Gonzalez	Moran (VA)
Gordon (TN)	Murphy (CT)
Grayson	Murphy, Patrick
Green, Al	Murphy, Tim
Green, Gene	Murtha
Griffith	Nadler (NY)
Grijalva	Neal (MA)
Gutierrez	Nye
Hall (NY)	Oberstar
Hare	Obey
Harman	Olver
Hastings (FL)	Ortiz
Heinrich	Pallone
Herse	Pascarella
Herseth Sandlin	Pastor (AZ)
Higgins	Payne
Hinojosa	Perlmutter
Hirono	Peters
Holden	

NAYS—180

Aderholt	Buchanan	Ellsworth
Akin	Burgess	Emerson
Alexander	Burton (IN)	Fallin
Austria	Buyer	Flake
Bachmann	Calvert	Fleming
Bachus	Camp	Forbes
Bartlett	Campbell	Fortenberry
Barton (TX)	Cantor	Foster
Bean	Cao	Fox
Biggert	Capito	Franks (AZ)
Bilbray	Carter	Frelinghuysen
Bilirakis	Cassidy	Gallegly
Bishop (UT)	Castle	Garrett (NJ)
Blackburn	Chaffetz	Gerlach
Blunt	Coble	Giffords
Boccieri	Coffman (CO)	Gingrey (GA)
Boehner	Cole	Gohmert
Bono Mack	Crenshaw	Goodlatte
Boozman	Davis (KY)	Granger
Brady (TX)	Deal (GA)	Graves
Bright	Diaz-Balart, M.	Guthrie
Brown (GA)	Donnelly (IN)	Hall (TX)
Brown (SC)	Dreier	Halvorson
Brown-Waite,	Duncan	Harper
Ginny	Ehlers	Heller

Peterson	Hensarling
Pingree (ME)	Herger
Polis (CO)	Himes
Pomeroy	Hodes
Price (NC)	Hoekstra
Rahall	Hunter
Rangel	Inglis
Reyes	Issa
Richardson	Jenkins
Rodriguez	Johnson (IL)
Rohrabacher	Johnson, Sam
Ross	Jordan (OH)
Rothman (NJ)	Kind
Roybal-Allard	King (IA)
Ruppersberger	King (NY)
Rush	Kingston
Ryan (OH)	Kirk
Salazar	Kirkpatrick (AZ)
Sánchez, Linda	Kosmas
T.	Lamborn
Sanchez, Loretta	Lance
Sarbanes	Latham
Schakowsky	LaTourette
Schauer	Latta
Schiff	Lee (NY)
Schrader	Lewis (CA)
Schwartz	Linder
Scott (GA)	LoBiondo
Scott (VA)	Loeback
Serrano	Lucas
Sestak	Luetkemeyer
Shea-Porter	Lummis
Sherman	Lungren, Daniel
Shuler	E.
Sires	Mack
Skelton	Manzullo
Slaughter	
Smith (WA)	
Snyder	
Space	
Speier	
Spratt	
Stark	
Stupak	
Sutton	
Tanner	
Tauscher	
Taylor	
Thompson (CA)	
Thompson (MS)	
Tierney	
Titus	
Tonko	
Towns	
Tsongas	
Van Hollen	
Velázquez	
Wasserman	
Schultz	
Waters	
Watson	
Watt	
Waxman	
Weiner	
Wexler	
Wilson (OH)	
Woolsey	
Wu	
Yarmuth	
Young (AK)	

ANSWERED "PRESENT"—15

Barrett (SC)	Conaway	Kline (MN)
Bonner	Dent	Lofgren, Zoe
Butterfield	Diaz-Balart, L.	Poe (TX)
Castor (FL)	Hastings (WA)	Walden
Chandler	Hill	Welch

NOT VOTING—10

Boustany	Miller, Gary	Shuster
Culberson	Napolitano	Souder
Delahunt	Olson	
Hinchey	Radanovich	

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Messrs. CALVERT and TEAGUE changed their vote from "yea" to "nay."

Messrs. CONYERS, CLEAVER, ENGEL, SMITH of Washington and Ms. WATSON changed their vote from "nay" to "yea."

Messrs. BARRETT of South Carolina, LINCOLN DIAZ-BALART of Florida, and WALDEN changed their vote from "nay" to "present."

Mr. BUTTERFIELD changed his vote from "yea" to "present."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. NAPOLITANO. Madam Speaker, on Thursday, March 19, 2009, I was absent during rollcall vote No. 141 in order to attend an event with the President in my district. Had I been present, I would have voted "yea" on the motion to table H. Res. 265—Raising a question of privileges of the House.

PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 257, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.