

the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Education and the Workforce. 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. 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 recommend with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 4. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 6543.

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 Republican majority agenda and a vote to allow the Democratic minority 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."

The Republican majority may 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 *Republican Leadership Manual on the Legislative Process in the United States House of Representatives*, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In *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 Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. CHENEY. 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.

Mrs. TORRES. 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 for a period of less than 15 minutes.

Accordingly (at 12 o'clock and 49 minutes p.m.), the House stood in recess.

□ 1302

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ROGERS of Alabama) at 1 o'clock and 2 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Ordering the previous question on House Resolution 1049; and

Adoption of House Resolution 1049, if ordered.

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic vote will be conducted as a 5-minute vote.

PROVIDING FOR CONSIDERATION OF H.R. 1635, EMPOWERING STUDENTS THROUGH ENHANCED FINANCIAL COUNSELING ACT, AND PROVIDING FOR CONSIDERATION OF H.R. 4606, ENSURING SMALL SCALE LNG CERTAINTY AND ACCESS ACT

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 1049) providing for consideration of the bill (H.R. 1635) to amend the loan counseling requirements under the Higher Education Act of 1965, and for other purposes, and providing for consideration of the bill (H.R. 4606) to provide that applications under the Natural Gas Act for the importation or exportation of small volumes of natural gas shall be granted without modification or delay, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 221, nays 186, not voting 21, as follows:

[Roll No. 382]

YEAS—221

| | | |
|---------------|-----------------|--------------|
| Abraham | Dunn | Knight |
| Aderholt | Emmer | Kustoff (TN) |
| Allen | Estes (KS) | Labrador |
| Amash | Faso | LaHood |
| Amodei | Ferguson | LaMalfa |
| Arrington | Fitzpatrick | Lamborn |
| Babin | Fleischmann | Lance |
| Bacon | Flores | Latta |
| Banks (IN) | Fortenberry | Lesko |
| Barr | Foxo | Lewis (MN) |
| Bergman | Frelinghuysen | LoBiondo |
| Biggs | Gaetz | Long |
| Bilirakis | Gallagher | Loudermilk |
| Bishop (UT) | Garrett | Love |
| Black | Gianforte | Lucas |
| Blum | Gibbs | Luetkemeyer |
| Bost | Goodlatte | MacArthur |
| Brady (TX) | Gosar | Marchant |
| Brat | Gowdy | Marino |
| Brooks (AL) | Granger | Marshall |
| Brooks (IN) | Graves (GA) | Massie |
| Buchanan | Graves (LA) | Mast |
| Buck | Graves (MO) | McCarthy |
| Bucshon | Griffith | McCaul |
| Budd | Grothman | McClintock |
| Burgess | Guthrie | McHenry |
| Byrne | Handel | McKinley |
| Calvert | Harper | McMorris |
| Carter (GA) | Harris | Rodgers |
| Carter (TX) | Hartzler | McSally |
| Chabot | Hensarling | Meadows |
| Cheney | Herrera Beutler | Mitchell |
| Cloud | Hice, Jody B. | Moolenaar |
| Coffman | Higgins (LA) | Mooney (WV) |
| Cole | Hill | Mullin |
| Collins (GA) | Holding | Newhouse |
| Collins (NY) | Hollingsworth | Noem |
| Comer | Hudson | Norman |
| Comstock | Huizenga | Nunes |
| Conaway | Hultgren | Olson |
| Cook | Hunter | Palmer |
| Costello (PA) | Hurd | Paulsen |
| Cramer | Issa | Pearce |
| Crawford | Jenkins (KS) | Perry |
| Culberson | Johnson (LA) | Pittenger |
| Curbelo (FL) | Johnson (OH) | Poliquin |
| Curtis | Johnson, Sam | Posey |
| Davidson | Jones | Ratcliffe |
| Davis, Rodney | Jordan | Reed |
| Denham | Joyce (OH) | Reichert |
| DesJarlais | Katko | Renacci |
| Diaz-Balart | Kelly (MS) | Rice (SC) |
| Donovan | Kelly (PA) | Roby |
| Duffy | King (IA) | Roe (TN) |
| Duncan (SC) | King (NY) | Rogers (AL) |
| Duncan (TN) | Kinzinger | Rogers (KY) |