

AMENDMENT TO H. RES. 552 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

Strike all after the Resolving clause and insert the following:

“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 further consideration of the bill (H.R. 2847) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes. No further general debate shall be in order, and remaining proceedings under House Resolution 544 shall be considered as supplanted by this resolution. The bill shall continue to be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XM are waived. During consideration of the bill for amendment, the Chair 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. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, 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

(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. SLAUGHTER. 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 noes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption.

The vote was taken by electronic device, and there were—yeas 238, nays 180, not voting 15, as follows:

[Roll No. 351]  
YEAS—238

Abercrombie	Cleaver	Fattah
Ackerman	Clyburn	Filmer
Altmire	Cohen	Foster
Andrews	Connolly (VA)	Frank (MA)
Baca	Conyers	Fudge
Baird	Cooper	Giffords
Baldwin	Costa	Gonzalez
Barrow	Costello	Gordon (TN)
Bean	Courtney	Grayson
Becerra	Crowley	Green, Al
Berkley	Cuellar	Green, Gene
Berman	Cummings	Griffith
Berry	Dahlkemper	Grijalva
Bishop (GA)	Davis (AL)	Gutierrez
Bishop (NY)	Davis (CA)	Hall (NY)
Blumenauer	Davis (IL)	Halvorson
Bocchieri	Davis (TN)	Hare
Boren	DeFazio	Hastings (FL)
Boswell	DeGette	Heinrich
Boucher	Delahunt	Herseth Sandlin
Boyd	DeLauro	Higgins
Brady (PA)	Dicks	Himes
Brady (IA)	Dingell	Hinchev
Brown, Corrine	Doggett	Hinojosa
Butterfield	Donnelly (IN)	Hirono
Capps	Doyle	Hodes
Capuano	Driehaus	Holden
Cardoza	Edwards (MD)	Holt
Carnahan	Edwards (TX)	Honda
Carney	Ellison	Hoyer
Carson (IN)	Ellsworth	Inslee
Castor (FL)	Engel	Israel
Chandler	Eshoo	Jackson (IL)
Clarke	Etheridge	Jackson-Lee
Clay	Farr	(TX)

Johnson (GA)	Murphy (CT)	Scott (VA)
Johnson, E. B.	Murphy (NY)	Serrano
Kagen	Murphy, Patrick	Sestak
Kanjorski	Murtha	Shea-Porter
Kaptur	Nadler (NY)	Sherman
Kildee	Napolitano	Sires
Kilpatrick (MI)	Neal (MA)	Skelton
Kilroy	Nye	Slaughter
Kind	Oberstar	Smith (WA)
Kirkpatrick (AZ)	Obey	Snyder
Kissell	Olver	Space
Klein (FL)	Ortiz	Speier
Kucinich	Pallone	Spratt
Larsen (WA)	Pascrell	Stark
Lee (CA)	Pastor (AZ)	Stupak
Levin	Payne	Sutton
Lipinski	Perlmutter	Tanner
Loeb sack	Peters	Tauscher
Lofgren, Zoe	Peterson	Taylor
Lowey	Pingree (ME)	Teague
Lujan	Polis (CO)	Thompson (CA)
Lynch	Pomeroy	Thompson (MS)
Maffei	Price (NC)	Tierney
Maloney	Quigley	Titus
Markey (CO)	Rahall	Tonko
Markey (MA)	Rangel	Towns
Marshall	Reyes	Tsongas
Massa	Richardson	Van Hollen
Matsui	Rodriguez	Velázquez
McCarthy (NY)	Ross	Visclosky
McCullum	Rothman (NJ)	Walz
McDermott	Roybal-Allard	Wasserman
McGovern	Ruppersberger	Schultz
McIntyre	Rush	Waters
McMahon	Ryan (OH)	Watson
McNerney	Salazar	Watt
Meek (FL)	Sánchez, Linda	Waxman
Meeke (NY)	T.	Weiner
Melancon	Sanchez, Loretta	Welch
Michaud	Sarbanes	Wexler
Miller (NC)	Schakowsky	Wilson (OH)
Miller, George	Schauer	Woolsey
Mollohan	Schiff	Wu
Moore (KS)	Schrader	Yarmuth
Moore (WI)	Schwartz	
Moran (VA)	Scott (GA)	

NAYS—180

Aderholt	Diaz-Balart, L.	Lance
Akin	Diaz-Balart, M.	Latham
Arcuri	Dreier	LaTourette
Austria	Duncan	Latta
Bachus	Ehlers	Lee (NY)
Barrett (SC)	Emerson	Lewis (CA)
Bartlett	Fallin	Linder
Barton (TX)	Flake	LoBiondo
Biggert	Fleming	Lucas
Bilbray	Forbes	Luetkemeyer
Bilirakis	Fortenberry	Lummis
Blackburn	Fox	Lungren, Daniel
Blunt	Franks (AZ)	E.
Boehner	Frelinghuysen	Mack
Bonner	Gallegly	Manzullo
Bono Mack	Garrett (NJ)	Marchant
Boozman	Gerlach	McCarthy (CA)
Boustany	Gingrey (GA)	McCauley
Brady (TX)	Gohmert	McClintock
Brown (GA)	Goodlatte	McCotter
Brown (SC)	Granger	McHenry
Brown-Waite,	Graves	McHugh
Ginny	Guthrie	McKeon
Buchanan	Hall (TX)	McMorris
Burgess	Harper	Rodgers
Burton (IN)	Hastings (WA)	Mica
Buyer	Heller	Miller (FL)
Calvert	Hensarling	Miller (MI)
Camp	Hill	Miller, Gary
Campbell	Hoekstra	Minnick
Cao	Hunter	Mitchell
Capito	Inglis	Moran (KS)
Carter	Issa	Murphy, Tim
Cassidy	Jenkins	Myrick
Castle	Johnson (IL)	Neugebauer
Chaffetz	Johnson, Sam	Nunes
Childers	Jones	Olson
Coble	Jordan (OH)	Paul
Coffman (CO)	King (IA)	Paulsen
Cole	King (NY)	Pence
Conaway	Kingston	Perriello
Crenshaw	Kirk	Petri
Culberson	Klaine (MN)	Pitts
Davis (KY)	Kosmas	Platts
Deal (GA)	Kratovil	Poe (TX)
Dent	Lamborn	Posey

Price (GA) Scalise  
Putnam Schmidt  
Radanovich Schock  
Rehberg Sensenbrenner  
Reichert Sessions  
Roe (TN) Shadegg  
Rogers (AL) Shimkus  
Rogers (KY) Shuler  
Rogers (MI) Shuster  
Rohrabacher Simpson  
Rooney Smith (NE)  
Ros-Lehtinen Smith (NJ)  
Roskam Smith (TX)  
Royce Souder  
Ryan (WI) Stearns

Terry  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Turner  
Upton  
Walden  
Wamp  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Young (AK)

NOT VOTING—15

Adler (NJ) Cantor  
Alexander Harman  
Bachmann Herger  
Bishop (UT) Kennedy  
Bright Langevin

Larson (CT)  
Lewis (GA)  
Matheson  
Sullivan  
Young (FL)

□ 1507

Ms. KOSMAS changed her vote from “yea” to “nay.”

Mr. GEORGE MILLER of California and Ms. WOOLSEY changed their vote from “nay” to “yea.”

So the previous question was ordered. The result of the vote was announced as above recorded.

Stated for:

Mr. LANGEVIN. Mr. Speaker, on June 17, 2009, I was unavoidably detained and unable to be in the Chamber for a rollcall vote. Had I been present, I would have voted “yea” on rollcall No. 351, the motion ordering the previous question on the rule for H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act for FY 2010.

Stated against:

Mr. HERGER. Mr. Speaker, on rollcall No. 351, I was unavoidably detained. Had I been present, I would have voted “nay.”

(By unanimous consent, Ms. LINDA T. SANCHEZ of California was allowed to speak out of order.)

INTRODUCING JOAQUIN SANCHEZ SULLIVAN

Ms. LINDA T. SANCHEZ of California. Mr. Speaker, I rise today for the purpose of introducing the most important and undoubtedly the greatest piece of work I have ever brought to the floor of this House.

Mr. Speaker, before I take all of the credit, I want to thank especially the health care workers from coast to coast who helped me deliver a very healthy baby. And I want to especially recognize the distinguished doctors and nurses at Washington Hospital Medical Center and the talented doctors in Los Angeles, especially Dr. Aliabadi, Dr. Rotmench, and Dr. Iqbal.

Mr. Speaker, it is with great joy that my husband, James Sullivan and I, introduce to you and to all of my colleagues the proudest achievement and newest member of the California delegation, Joaquin Sanchez Sullivan.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE  
The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection. The SPEAKER pro tempore. The question is on the resolution.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered. The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 221, nays 201, not voting 11, as follows:

[Roll No. 352]

YEAS—221

Abercrombie  
Ackerman  
Altmire  
Andrews  
Baca  
Baird  
Baldwin  
Barrow  
Bean  
Becerra  
Berkeley  
Berman  
Berry  
Bishop (GA)  
Bishop (NY)  
Bocieri  
Boren  
Boswell  
Boucher  
Boyd  
Brady (PA)  
Braley (IA)  
Brown, Corrine  
Butterfield  
Capuano  
Cardoza  
Carnahan  
Carson (IN)  
Castor (FL)  
Chandler  
Childers  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly (VA)  
Cooper  
Costa  
Costello  
Courtney  
Crowley  
Cuellar  
Cummings  
Dahikemper  
Davis (CA)  
Davis (IL)  
Davis (TN)  
DeGette  
Delahunt  
DeLauro  
Dicks  
Dingell  
Doggett  
Doyle  
Driehaus  
Edwards (MD)  
Edwards (TX)  
Ellison  
Ellsworth  
Engel  
Etheridge  
Fattah  
Filner  
Foster  
Frank (MA)  
Fudge  
Giffords  
Gonzalez  
Gordon (TN)  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Grijalva  
Gutierrez  
Hall (NY)  
Halvorson  
Hare  
Hastings (FL)  
Heinrich  
Herseht Sandlin  
Higgins  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hodes  
Holden  
Holt  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Jackson-Lee  
(TX)  
Johnson (GA)  
Johnson, E. B.  
Kagen  
Kanjorski  
Kaptur  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
Kirkpatrick (AZ)  
Kissell  
Kucinich  
Langevin  
Larsen (WA)  
Lee (CA)  
Levin  
Lipinski  
Loeb  
Loeb, Zoe  
Lowe  
Lujan  
Lynch  
Maffei  
Maloney  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
Doyle  
McGovern  
McIntyre  
McMahon  
McNerney  
Meeke (NY)  
Melancon  
Michaud  
Miller (NC)  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murphy, Patrick  
Murtha  
Nadler (NY)  
Napolitano  
Neal (MA)  
Nye  
Oberstar  
Obey  
Oliver  
Ortiz  
Pallone  
Pascarell  
Pastor (AZ)  
Payne  
Perlmutter  
Peters  
Pingree (ME)  
Polis (CO)  
Pomeroy  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reyes  
Richardson  
Rodriguez  
Ross  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Salazar  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schauer  
Schiff  
Schrader  
Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Sestak  
Shea-Porter  
Sherman  
Sires  
Skelton  
Lynch  
Smith (WA)  
Snyder  
Space  
Spratt  
Stark  
Stupak  
Sutton  
Tanner  
Tauscher  
Taylor  
Teague  
Thompson (MS)  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Van Hollen  
Velazquez  
Visclosky  
Walz  
Wasserman  
Schultz  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Wexler  
Wilson (OH)  
Yarmuth

Cantor  
Cao  
Capito  
Capps  
Carney  
Carter  
Cassidy  
Castle  
Chaffetz  
Coble  
Coffman (CO)  
Cole  
Conaway  
Conyers  
Crenshaw  
Culberson  
Davis (KY)  
Deal (GA)  
DeFazio  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Donnelly (IN)  
Dreier  
Duncan  
Ehlers  
Emerson  
Eshoo  
Fallin  
Farr  
Flake  
Fleming  
Forbes  
Fortenberry  
Fox  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Garrett (NJ)  
Gerlach  
Gingrey (GA)  
Gohmert  
Goodlatte  
Granger  
Graves  
Guthrie  
Hall (TX)  
Harper  
Hastings (WA)  
Heller  
Hensarling  
Herger  
Hill  
Hoekstra  
Honda  
Hunter  
Inglis  
Issa  
Jenkins  
Johnson (IL)  
Johnson, Sam  
Jones  
Jordan (OH)  
King (IA)  
King (NY)  
Kingston  
Kirk  
Klein (FL)  
Kline (MN)  
Kosmas  
Kratovil  
Lamborn  
Lance  
Latham  
LaTourette  
Latta  
Lee (NY)  
Lewis (CA)  
Linder  
LoBiondo  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
McCarthy (CA)  
McCaul  
McClintock  
McCotter  
McHenry  
McHugh  
McKeon  
McMorris  
Rodgers  
Meek (FL)  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Miller, George  
Minnick  
Mitchell  
Moran (KS)  
Murphy (NY)  
Murphy, Tim  
Myrick  
Neugebauer  
Nunes  
Olson  
Paul  
Paulsen  
Pence  
Perrillo  
Petri  
Pitts  
Platts  
Poe (TX)  
Posey  
Price (GA)  
Putnam  
Radanovich  
Rehberg  
Reichert  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Royce  
Ryan (WI)  
Scalise  
Schmidt  
Schock  
Sensenbrenner  
Sessions  
Shadegg  
Shimkus  
Shuler  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Souder  
Speier  
Stearns  
Terry  
Thompson (CA)  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Turner  
Upton  
Walden  
Wamp  
Waters  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Woolsey  
Wu  
Young (AK)

NOT VOTING—11

Adler (NJ) Harman  
Alexander Kennedy  
Bachmann Larson (CT)  
Davis (AL) Lewis (GA)  
Peterson  
Sullivan  
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE  
The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1520

Ms. SPEIER and Messrs. BLUMENAUER and HONDA changed their vote from “yea” to “nay.”

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

A motion to reconsider was laid on the table.

PRIVILEGED REPORT ON RESOLUTION IMPEACHING SAMUEL B. KENT

Mr. SCHIFF, from the Committee on the Judiciary, submitted a privileged report (Rept. No. 111-159) on the resolution (H. Res. 520) impeaching Samuel B. Kent, judge of the United States District Court for the Southern District of Texas, for high crimes and misdemeanors, which was referred to the House Calendar and ordered to be printed.

NAYS—201  
Aderholt  
Akin  
Arcuri  
Austria  
Bachus  
Barrett (SC)  
Bartlett  
Barton (TX)  
Biggert  
Bilbray  
Bilirakis  
Broun (GA)  
Blackburn  
Blumenauer  
Blunt  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boustany  
Brady (TX)  
Bright  
Brown (GA)  
Brown (SC)  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Buyer  
Calvert  
Camp  
Campbell