

have been addressed. Parameters have been included that will lessen the potential legislative burden on the Congress and prevent the possibility of excessive delaying tactics by the President.

I certainly do not believe that the underlying legislation is perfect. Despite the recent changes, I think that five special messages per bill may still be too many. Think about 50 possible expedited special messages that Congress would have to consider after passing 10 appropriations bills. The legislative burden may be extraordinary.

In balance, however, since the bill gives us another tool to promote good stewardship of the people's money, I urge my colleagues to support the Rule and the underlying legislation. I look forward to a full debate on efforts such as this to increase fiscal discipline in the Congress' budget process.

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

PREVIOUS QUESTION ON H. RES. 886—THE RULE PROVIDING FOR CONSIDERATION OF H.R. 4890, LEGISLATIVE LINE ITEM VETO

At the end of the resolution add the following new section:

"SEC. 2. Immediately upon the 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. 5667) to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of discretionary budget authority, promote fiscal responsibility, reinstate Pay-As-You-Go rules, require responsible use of reconciliation procedures, 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. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget. The bill 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. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to reconsider with or without instructions.

SEC. 3. If the Committee of the Whole rises and reports that it has come to no resolution of 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."

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 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 Republican 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 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."

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 to offer an alternative plan.

Mr. PUTNAM: 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 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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Votes will be taken in the following order:

Ordering the previous question on H. Res. 885, by the yeas and nays;

Adoption of H. Res. 885, if ordered;

Ordering the previous question on H. Res. 886, by the yeas and nays;

Adoption of H. Res. 886, if ordered.

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

PROVIDING FOR CONSIDERATION OF H.R. 5638, PERMANENT ES-TATE TAX RELIEF ACT OF 2006

The SPEAKER pro tempore. The pending business is the vote on ordering the previous question on House Resolution 885, 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 226, nays 194, not voting 12, as follows:

[Roll No. 308]

YEAS—226

Aderholt	Davis, Jo Ann	Hostettler
Akin	Davis, Tom	Hulshof
Alexander	Deal (GA)	Hunter
Bachus	Dent	Hyde
Baker	Diaz-Balart, L.	Inglis (SC)
Barrett (SC)	Diaz-Balart, M.	Issa
Bartlett (MD)	Doolittle	Istook
Barton (TX)	Drake	Jenkins
Bass	Dreier	Jindal
Beauprez	Duncan	Johnson (CT)
Biggert	Ehlers	Johnson (IL)
Bilbray	Emerson	Jones (NC)
Bilirakis	English (PA)	Keller
Bishop (UT)	Everett	Kelly
Blackburn	Feeney	Kennedy (MN)
Blunt	Ferguson	King (IA)
Boehlert	Fitzpatrick (PA)	King (NY)
Boehner	Flake	Kingston
Bonilla	Foley	Kirk
Bonner	Forbes	Kline
Bono	Fortenberry	Knollenberg
Boozman	Fossella	Kolbe
Boucher	Fox	Kuhl (NY)
Boustany	Franks (AZ)	LaHood
Bradley (NH)	Frelinghuysen	Latham
Brady (TX)	Galleghy	LaTourrette
Brown (SC)	Garrett (NJ)	Leach
Brown-Waite,	Gerlach	Lewis (CA)
Ginny	Gibbons	Lewis (KY)
Burgess	Gilchrest	Linder
Burton (IN)	Gillmor	LoBiondo
Buyer	Gingrey	Lucas
Calvert	Goode	Lungren, Daniel
Camp (MI)	Goodlatte	E.
Campbell (CA)	Granger	Mack
Cantor	Graves	Manzullo
Capito	Green (WI)	McCaul (TX)
Carter	Gutknecht	McCotter
Castle	Hall	McCreary
Chabot	Harris	McHenry
Chocola	Hart	McHugh
Coble	Hastings (WA)	McKeon
Cole (OK)	Hayes	McMorris
Conaway	Hayworth	Mica
Cramer	Hefley	Miller (FL)
Crenshaw	Hensarling	Miller (MI)
Cubin	Herger	Miller, Gary
Culberson	Hobson	Moran (KS)
Davis (KY)	Hoekstra	Murphy