is clearly in our best interests to try to engage them on their turf. We have been successful thus far, but as President Bush has said, this is going to be a long, long process, but keep in mind, there is no question that the ultimate target in this international war on terrorism is our way of life.

In response to that, we have secured our border. There is absolutely no question about that. In some cases, it was passed with bipartisan support, and in some cases, it was not, but the record, Madam Speaker, I think needs to be said, and that is that we are doing things to secure our border and make America safe.

The fact that we have not been attacked I think is credit to those that do that work to secure us on the homeland security, on the border, the first responders. They have all responded. Our intelligence community is much, much more robust than it was before and that has added to our security.

So, Madam Speaker, there has been a lot that has been accomplished in this Congress, and I think that we can go into this break before the elections with a very high head.

The material previously referred to by Ms. SLAUGHTER is as follows:

PREVIOUS QUESTION FOR H. RES. 1045 PROVIDING FOR MOTIONS TO SUSPEND THE RULES

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

Sec. 2. Notwithstanding any other provisions in this resolution and without intervention of any point of order it shall be in order immediately upon adoption of this resolution for the House to consider the bills listed in Sec. 3:

Sec. 3. The bills referred to in Sec. 2. are as follows:

(1) a bill to implement the recommendations of the 9/11 Commission.

(2) a bill to increase the minimum wage to $7.25 per hour.

(3) a bill to provide authority to the Secretary of Health and Human Services to negotiate for lower prescription drug prices for senior citizens and people with disabilities.

(4) a bill to repeal the massive cuts in college tuition assistance imposed by the Congress and to expand the size and availability of Pell Grants.

(5) a bill to roll back tax breaks for large petroleum companies and to invest those savings in alternative fuels to achieve energy independence.

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–IIIinois) 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. HASTINGS of Washington, Madam 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.

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 8 of rule XX, further proceedings on this question will be postponed.

WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. PUTNAM. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1046 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1046

Resolved, That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported on the legislative day of September 28, 2006, providing for consideration or disposition of any of the following measures:

(1) A bill to authorize trial by military commission for violations of the law of war, and for other purposes.

(2) A bill to update the Foreign Intelligence Surveillance Act of 1978.

(3) A conference report to accompany the bill (H.R. 5441) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

SEC. 2. House Resolutions 654 and 767 are laid upon the table.

The SPEAKER pro tempore. The gentleman from Florida (Mr. PUTNAM) is recognized for 1 hour.

Mr. PUTNAM. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from California (Ms. MATSUI), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. PUTNAM asked and was given permission to revise and extend his remarks.)

Mr. PUTNAM. Madam Speaker, House Resolution 1046 is a same-day rule that allows the consideration today of certain legislation that may be reported from the Rules Committee.

□ 1115

Specifically, it allows for the consideration or disposition of a bill to authorize the trial by military commission for violations of the laws of war, a bill to update the Foreign Intelligence Surveillance Act of 1978, and the Homeland Security appropriations conference report for fiscal year 2007: Three very significant pieces of legislation that need to move through this body before we break for the October District Work Period.

It is imperative that we pass this same-day rule. This resolution lays the foundation so that the House can complete its business and send outstanding legislation to the Senate and to the President's desk. We are working to move this process along toward the adjournment of the 109th Congress.

The House Committee on Rules will meet later today to provide the rules for possible consideration of these items, such as the Homeland Security appropriations bill, the legislation to deal with these violations of the laws of war, modernizing our approach to dealing with terrorists and those who plot to blow up airliners over the Atlantic, who fly planes into the symbols of our military power, the symbols of our economic power, those who would blow up our embassies, those who would target innocent civilians in a

way that is unprecedented in the history of modern warfare, as well as legislation to update and modernize the Foreign Intelligence Surveillance Act of 1978.

Obviously, you can tell by the title of the act, the Foreign Intelligence Surveillance Act of 1978, that it is badly in need of reauthorization. Clearly, technology changes, the sophistication of communications, and the diversity of the threats that face this Nation all beg for us to act and modernize that legislation so that law enforcement and intelligence agencies have the tools they need to prevent future attacks on American soil and to protect our forces and our civilians abroad.

I am pleased this same-day rule will facilitate the timely deliberation, discussion, debate of these important issues. I urge my colleagues to support this. This is a procedural motion that allows us to move forward with the meat and potatoes that are important for the safety and security of this country, those legislative items that will be considered later in the day.

So this is an important procedural obstacle that we need to clear out of the way to allow for consideration of these items so that we can move forward to the remaining agenda items for this Congress.

Madam Speaker, I reserve the balance of my time.

Ms. MATSUI. Madam Speaker, I thank the gentleman from Florida for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

(Ms. MATSUI asked and was given permission to revise and extend her remarks.)

Ms. MATSUI. Madam Speaker, Democrats and Republicans agree in the primacy of national security issues. But Democrats also recognize that middle-class Americans are worried about several other things as well, all of which affect a different type of security: Their economic security. And Democrats are prepared to remain here until the full scope of problems facing our constituents is addressed.

H. Res. 1046 is a martial law rule suspending the rules of the House. It would allow the majority to bring several bills to the floor the same day the Rules Committee meets to report those bills. Two of the three items allowed to come immediately to the floor were made public late last night. The third bill may be passed by the Senate today.

What this means is that, yet again, it will be almost impossible for Members to read the bills before being asked to vote on them. This abbreviated approach to legislating is not new. However, the 109th Congress seems likely to have taken this to a new level. We are on track to set a record for the fewest days spent voting in our lifetimes.

This is beyond being unreasonable to the American people. They sent us all here to do a job, to vote, and to do our part to fix the problems they face each and every day. They pay the price for our inaction at the pharmacy, at school, and in their paychecks. So it is worth taking a look at what remains undone when Congress works so little.

We still need to fully implement the 9/11 Commission recommendations here. We have not passed a comprehensive national energy policy that puts us on the path to energy independence by focusing on alternative and renewable sources of energy. We should allow the Federal Government to negotiate lower prescription drug prices for seniors and people with disabilities. We should restore the massive cuts to Federal student financial aid that Congress made earlier this year. And we have not had a clean vote to raise the minimum wage.

Democrats want to address each of these issues before we go home for the elections, but the majority has made it clear, through this rule, that the House leadership will not consider these priorities before leaving town.

This martial law rule would allow us to consider a conference report for homeland security funding. But even after this agreement passes, massive holes will remain in our homeland. The majority has not taken action to make sure that first responders can talk to each other, a key problem on September 11, 2001. According to legislation passed by this majority, the issue will not be fixed until 2009. That is unacceptable.

According to the 9/11 Commission, the Federal Government still does not have a consolidated terror watch list at our airports, and without proper funding, TSA cannot implement the full range of security measures necessary to protect us.

Finally, we do not have 100 percent screening of cargo coming into our ports. These holes are the reason that the 9/11 Commission gave Congress failing grades late last year.

The majority has defeated multiple Democratic attempts at fixing these problems. Democrats want to fix these holes before we leave town.

Let us consider another of the issues that I mentioned. The need to create a forward-thinking energy policy that places us on the path to energy independence. Energy touches the core of our national security during a time of global upheaval, so it affects the economic security of every person across this country and it affects the ability of businesses to compete. We cannot afford to be dependent on volatile regions of the world, and it is impractical and unwise to believe we can drill our way out of this problem.

It is long past due for the Federal Government to make an unprecedented commitment towards energy independence. We need to drive the development and deployment of renewable and alternative sources of energy. We also need to encourage the use of energy efficient technologies to help our families and businesses reduce their energy consumption.

Achieving energy independence will not happen overnight. It will require a long-term sustained effort of government, businesses, and families. But America has always been up to challenges like this, and Democrats want that effort to start now, before we go home for the elections.

Another issue we failed to address is the need for the Federal Government to negotiate lower prescription drug prices for seniors. Almost eight out of every 10 seniors who signed up for the new Medicare prescription drug benefit in California have a plan with a so-called donut hole. This means that almost 300,000 seniors and disabled workers will see a gap in coverage. Even though these individuals will receive no help with their prescriptions, they are required to keep paying premiums to the Federal Government.

And those drug prices are higher than they need to be. Congress already allows the Veterans Administration to negotiate prices directly with the drug companies. As a result, veterans get the prescriptions they need for less. It is a great program. But when Congress passed the Medicare prescription drug bill, it specifically prohibited the Federal Government from doing the same price negotiation for seniors. That is wrong, and Democrats will fight to fix this problem before we leave town.

Madam Speaker, also as a result of working only 88 days thus far, we have also neglected to fix the misguided cuts in student aid that Congress approved earlier this year. In February of this year, the majority voted for the largest cut in student aid in history: $12 billion. Congress took this vote despite the fact that parents and students all across the country are struggling to access this doorway to opportunity.

With the cost of college skyrocketing, the average college student is now more than $17,000 in debt. Many are paying above-market interest rates in order to finance their education. Madam Speaker, a college education should be an opportunity, not a burden. Democrats are committed to reversing these terrible cuts before we leave town so that every student has the opportunity to succeed.

In closing, Madam Speaker, Democrats are interested in addressing the full range of problems that worry the American people. As I have mentioned, we should start by allowing the Federal Government to negotiate prescription drug prices, we should also reverse the cuts to student aid, and we are prepared to stay at work until we do so.

Madam Speaker, I reserve the balance of my time.

Mr. PUTNAM. Madam Speaker, I appreciate my friend's comments on the prescription drug debate, the energy debate, and the student loan debate. I would remind my friend that we are here to facilitate action on the Homeland Security appropriations bill, the Foreign Intelligence Surveillance Act modernization, and the military tribunals bill, and with her help we can move this procedure along and continue to act on behalf of the American people to make them safer.

Madam Speaker, we need to get the boots on the ground to secure our borders, the money for 1,200 new Border Patrol agents, new Customs officials, and the modernization and authorization for our intelligence and law enforcement officials to utilize the best technology and the best communications to prevent and disrupt any potential plans to attack our homeland. Those are the items that are embodied in this bill that we are considering at this time, and, as I said, with her assistance we can move forward and then be able to again address the other issues that she mentioned, on top of the work that we have already done in passing three major energy bills in the past 18 months that deal not only with fossil fuels and the need to reduce our dependence on foreign oil, that deal with the expansion of refining capacity in this country, which was largely blocked by the other side of the aisle, an energy policy that provides prizes in the form of monetary grants to those innovative individuals around America who find the next big thing, who can innovate on a hydrogen type of fuel cell or the hybrid and continuing to build on that, building on the tax incentives that we passed through this body that encourage people to purchase hybrid vehicles, looking at renewables, solar, and wind.

All of those things, Madam Speaker, are part of the energy bills that we have passed in this House, and now we need to pass these items of important national security. That is what this bill does.

Madam Speaker, I continue to reserve the balance of my time.

Ms. MATSUI. Madam Speaker, I yield 5½ minutes to the gentleman from California (Mr. GEORGE MILLER), my good friend.

Mr. GEORGE MILLER of California. I thank the gentlewoman from California for yielding.

Madam Speaker, here we are, close to adjournment, maybe 48 hours from now the Congress will go home for the elections, and we will leave millions of Americans who work at the minimum wage, who are stuck at a poverty wage, because of the failure of this Congress to address that issue.

What that means is that for those millions of Americans who go to work every day, all year long, at the end of the year they will end up poor. They end up with the inability to provide for their families, to provide for their health care, to provide for their transportation and the education of their families.

Why is that so? Because for 10 years, the Republicans in the Congress have successfully fought any increase in the minimum wage, and they have done it proudly. They believe that these people aren't entitled to any more money than the minimum wage that they are receiving today. Now, that minimum wage has less purchasing power than at any time in the 50 years we have had the minimum wage. These people are falling behind every day, every month.

We just saw yesterday in the newspapers that health care costs went up 7 percent. We know what has happened to families with energy costs. We know what has happened with utility costs. We know what has happened with educational costs and with the price of groceries. All of these things have gone up in these people's lives, but what hasn't gone up is the wages they work at.

□ 1130

The Republican Party is apparently perfectly content, even though we have the votes to pass the minimum wage, we have the votes in the Senate to pass the minimum wage, they are completely content to go home without an increase in the minimum wage.

It is shameful, it is sinful, the treatment of these people and the families in which they reside. The Republicans cannot see their way clear to put a clean vote on the minimum wage up or down on the floor of the Congress so that we can increase the financial capabilities of these families.

When you have the testimony of people like the Wal-Mart Corporation, which prides itself in presenting to America everyday low prices, theoretically, the least expensive place you can shop for the goods that they carry, they are now asking for an increase in the minimum wage because they say that the people who are coming to their stores simply don't have sufficient moneys to provide for the necessities of life. They don't have the money to buy the necessities they need, even in their stores. That is an indication of how important an increase in the minimum wage is.

The other terrible tragedy is that the Republicans refuse to roll back the raid on student aid that they engaged in earlier this year, when they took $12 billion out of the student aid accounts. They didn't recycle that money for the well-being of students to lessen the financial burden of families who are trying to put their children through school. They didn't do any of that. They took that $12 billion and they put it over here to pay for the tax cuts to the wealthiest people in this Nation.

That is the investment they made. They took $12 billion that the Congress and the government has been using to finance student aid programs, and they moved it into tax cuts for the wealthiest people in the country. They do that at a time when the basic Pell Grant for the most needy students, it only covers 30 percent of college costs today. When it was enacted, it covered 70 percent, and it has fallen behind.

The President had pledged to raise the Pell Grant to $5,100. Five years later, that hasn't been done. The President has broken his promise. We have been asking that we increase the Pell Grant to $5,100 to make it easier for students, and to take that $12 billion they took out of the student aid account and recycle it into the loan programs for students so that we can continue to try to help students meet the cost of debt.

Congresswoman MATSUI talked about the average student today graduating with debt of some $17,500. We are now seeing a significant number of students who are perfectly qualified to go to college, to take advantage of college education, and they are not doing so, or they are postponing it because they are worried about whether or not they will be able to manage the debt when they graduate or whether they will be able to assemble the resources to go to college on a current basis.

That is a tragedy for this country. At a time when we talk about the competitiveness of this Nation, at a time when we talk about the need to have an educated population, to deal with innovation, to deal with discovery, to deal with the future economy, we are foreclosing the higher educational opportunity for hundreds of thousands of students because of the debt, because of the cost.

Because of the actions of the Republicans in this session of the Congress and the refusal to roll it back, students will now be paying 6.8 percent on their loans instead of 3.4 percent. Parents will be paying 8.5 percent instead of 4.25 percent.

This is a tragedy. This is the tragedy of the Republicans' failure to address the needs of middle-income Americans who are struggling to educate their kids, to pay their energy bills, and minimum wage families who are simply struggling to survive in America today. It is a tragedy and a blight on this session of the Republican leadership in this Congress.

Mr. PUTNAM. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I think the gentleman protests too much because he failed to acknowledge that he had an opportunity to vote on the minimum wage on this floor in this body. He had an opportunity to vote to extend tax credits for research and development, something that is certainly important to California, his home State, the birthplace of the silicone revolution and which allows us to keep on the cutting edge of the economy.

The research and development tax credits allow us to compete in the global marketplace so that companies can be global headhunters and bring in the best talent from around the world, create jobs and build businesses here in this country. Not only did he vote against the minimum wage for the lowest end of the workforce spectrum, but he voted against extending those same incentives to invest in laboratories, to invest in innovation, to invest in intellectual capital in this country at the high end of the workforce spectrum as well.

He also denied the opportunity for 10 States in this country to be able to extend the sales tax deductibility, the

same type of State and local deductibility that other states enjoy on a regular basis in this country. And he denied hundreds of thousands of small businesses around this country and family farms the opportunity to keep what they have built, to allow their business to pass from one generation to another.

He has had the opportunity to vote on a minimum wage, and he chose to vote against it. I think he protests too much about the success of the agenda that this House has put forward.

When it comes to education, we have increased student loan limits from $3,500 for first-year students to $3,500 and to $4,500 for second-year students. There are now 1 million more students today receiving Pell grants than there were 5 years ago. That is substantial progress in higher education, investing in the future, investing in the intellectual capital of this country. That is the real story.

And what is it that prevents him from talking about the actual issue at hand? Why can't we hear from the other side as much eloquence about the need to modernize the Foreign Intelligence Surveillance Act? Why don't we hear the same eloquence about the need to complete our work on the Homeland Security appropriations bill, which will continue the work of securing our border, add 1,200 new Border Patrol agents, add new Customs agents, continue to make our ports safer, continue to build on the good work that goes on throughout this country by hard-working men and women who are doing their best to prevent future terrorist attacks?

Why can't he talk with the same eloquence, the same emotion, the same passion, about the need to pass meaningful legislation on tribunals to deal with those terrorists who have already been captured trying to do great harm to this country? Those are the issues before this House, and that is the debate that is missing from the other side.

Madam Speaker, I reserve the balance of my time.

Ms. MATSUI. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, to correct the record, there has been no clean vote to raise the minimum wage, and it is that important.

Madam Speaker, I yield 3½ minutes to my good friend, the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. ''Whatever you do for the least of your brothers, you do unto me.'' That is what someone who was fairly important in the history of the world told us a long time ago.

But what has the Congress done for the least of our brothers and sisters? It is an indication of the values of those on the majority side of the aisle when they brag about the fact that they held the minimum wage increase hostage to their determination to give away $289 billion to the wealthiest 7,500 people in this country every year. Their deal was ''we ain't going to do nothing for the little people of this economy unless you first provide even more money in the pockets of the very wealthiest people in this country.''

I defy you to show me two farms in any congressional district in the country that would pay the estate tax under the alternative that the Democrats proposed. You may not remember what the numbers were, but I do.

Mr. PUTNAM. Madam Speaker, will the gentleman yield?

Mr. OBEY. No. You have plenty of time.

Mr. PUTNAM. The gentleman asked me a question. I'm happy to answer. I'll provide him a list of farms in Central Florida.

Mr. OBEY. Regular order. If you are going to manage a bill, you need to understand the rules of this House.

The SPEAKER pro tempore (Mrs. MILLER of Michigan). The gentleman from Wisconsin controls the time.

Mr. PUTNAM. Would the gentleman yield?

Mr. OBEY. No, I would not. I told you I would not. You have got half-an-hour. I have 3 minutes. Why should I yield to you?

Mr. PUTNAM. Will the gentleman yield?

Mr. OBEY. No, I will not.

The SPEAKER pro tempore. The gentleman from Wisconsin controls the time.

Mr. OBEY. You can answer on your time. I am answering you on my time. You answer on your time. Now, I would appreciate no further interference from the gentleman.

The gentleman wants to brag about the prescription drug proposal in the homeland security bill. The majority party nailed into that prescription drug bill last year a prohibition against the Federal Government negotiating for lower prices. So where did the seniors have to go? Wal-Mart finally announced they are going to provide lower drug prices.

I suggested in the conference in the Homeland Security bill that we add language to that bill which says notwithstanding any other provision of law, the Secretary of Health and Human Services shall enter into a contract immediately with Wal-Mart to negotiate on behalf of the United States Government with drug manufacturers and suppliers regarding prices to be charged for prescription drugs under Medicare Part D.

It is a sorry day when the majority party stands shoulder-to-shoulder with the pharmaceutical industry against the recipients under Medicare Part D, labeled ''part dumb'' by a lot of the seniors in my district. And it is a sorry day, it is a sorry day, when we have to rely on Wal-Mart in order to do what the public representatives of this Congress ought to do, which is to allow our own government to negotiate for lower prices, rather than relying on this Rube Goldberg monument that makes people go to Canada in order to get some mercy in terms of drug prices.

They want to freeze the minimum wage. They freeze the minimum wage. It doesn't surprise me. The minimum wage is frozen almost as cold as their hearts.

Mr. PUTNAM. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the gentleman has been on this floor a number of years longer than I have, and certainly he understands the rules. But he also understands it is normal procedure that when one Member asks a question of another Member, that surely it is appropriate for the other Member to rise and ask that that Member yield so they may be given the opportunity to answer.

I regret the personal tone that this debate has taken, because these are important issues, these are important challenges our Nation faces. And the simple fact is, the gentleman doesn't want me to answer those questions, because he knows that we have acted in each and every one of those cases.

Since the beginning of Medicare, the Democratic majority did not take advantage of the opportunity to modernize it so that it actually helped the people it was intended to serve by providing them a prescription drug benefit. It was this majority that provided that. Today, millions of Americans have access to prescription drugs who did not have that same access under the old regime.

Why is there such a bitterness that Wal-Mart and Target and other chain drugstores who will undoubtedly follow have used the marketplace to lower drug costs? Are you so angry that the government didn't force them to do it? Are you so angry that they responded to market conditions, and today millions of people will be able to get $4 pills without the government having to have intervened?

Does it require a fiat to make you feel fulfilled? The simple fact that they made a good business decision through competitive forces in the marketplace and they lowered prices and people will benefit and consumers will benefit, and they will be healthier and they will live longer lives, does it make you angry that that did not come out of this body, that it didn't come out of some law, some decree? Is that what the bitterness comes from, that the market worked?

There are good things coming out of this body, but, more importantly, Madam Speaker, good things come from functioning markets. $4 pills by the largest retailer in the world that didn't come out of legislation, that didn't come by fiat, that didn't come by decree. It came because market forces worked, and consumers benefit and patients are healthier and patients have access to pills at a lower cost than they would have before.

This is a same-day rule to deal with foreign intelligence surveillance, to

deal with Homeland Security appropriations and military tribunals. Let's move it forward.

Madam Speaker, I reserve the balance of my time.

□ 1145

Ms. MATSUI. Madam Speaker, before I yield to the next speaker, I would like to yield 10 seconds to the gentleman from Wisconsin to respond.

Mr. OBEY. Let me say to the gentleman, I am not angry at all to Wal-Mart for responding to a public need. I congratulate them for it. The shame is the fact that you and the majority folks in this House would not meet your responsibilities to have the government negotiate to save money for everybody.

Ms. MATSUI. Madam Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I think it is important to note that my good friend from Florida is a great debater and orator on this floor, but I think some of the debate has been skewed. The passion here is because we feel let down. We have let many American people down.

My good friend from Wisconsin is simply saying that, in spite of the procedural responsibility of moving to the end of this session, what has not been done is we have not done what the American people need: The minimum wage, responding to the crisis of Medicare part D. And let me give a personal story and I will answer the gentleman's question about security.

My mother is now paying more than she has ever paid before under Medicare part D. And all of my seniors are now crying because they are over the top in the donut hole. This is a personal story and a personal testimony.

And I would suggest to the gentleman that he knows the rules of this body and he knows that many times we ask the other side to yield and they do not. So there is no commentary on your understanding of the rules by not yielding to someone who is interjecting in your statements. It is a question of passion and commitment.

And I would simply say that I am prepared to discuss, as a member of the Homeland Security Committee, the failures of this body regarding security. The 9/11 Commission Report issued some 2 years ago rendered to this body Ds and Fs for every aspect of homeland security you could ever imagine. And Abraham Lincoln said: We cannot escape history, right after the Civil War, 1862, his mission during the Civil War. We of this Congress and this administration will be remembered in spite of ourselves. No personal significance or insignificance can spare one or another of us.

We will be doing the electronic surveillance. But as we speak, the leaders of Hewlett-Packard are in our committee rooms in the Rayburn room discussing why they abused technology. There is nothing on the record that suggests that we cannot use the FISA proceedings to deal with securing America. We know that there have been 19,000 FISA requests and less than five refused by the tribunal. The only necessity is to restate the authorization of FISA and to ensure that it is utilized. But this body will come and try to take away the very rights and protection from privacy for the American people. That is not homeland security. There is no basis for abusing America's military.

When I say that, let me qualify it. By jeopardizing their status as an MIA and a POW, in this instance, a POW, in any conflict around the world by what we are doing with the military tribunal system here, which is, ignoring the Geneva Convention.

And might I just show to my colleagues the faces and faces of the fallen, pages and pages in the Nation's newspapers of those who have lost their lives on the front lines in Iraq and Afghanistan. It is well documented in recent intelligence reports that have been declassified that we have created a pool for insurgency and terrorists, a breeding ground, in Iraq. So now my friends want to abuse the habeas corpus system of America. We want to ignore the Geneva Convention, which simply provides for no torture provisions and a respect for that incarcerated person.

Now, we have called these people enemy combatants, but we are now prepared to suspend the habeas corpus for an indefinite period of time. We are prepared now to ensure that there is not any real protection against torture. And, of course, this bill will be an amended bill that will come here to the floor that we will be debating, but the question is the reasonableness in protecting those who are offering their lives. The Military Tribunal Commission bill will still put U.S. soldiers in harm's way.

The SPEAKER pro tempore. The gentlewoman's time has expired.

Ms. JACKSON-LEE of Texas. I would simply say, we know about homeland security. They don't, they failed. That is what we are doing today. Vote ''no'' on this rule.

The SPEAKER pro tempore. The gentlewoman's time has expired.

Ms. JACKSON-LEE of Texas. * * *

The SPEAKER pro tempore. The gentlewoman's time has expired.

Ms. JACKSON-LEE of Texas. * * *

Mr. PUTNAM. Madam Speaker, I was wondering whether the gentleman from Wisconsin might want to share some parliamentary lessons with the gentlewoman from Texas as he did with me.

I would be happy to yield.

Mr. OBEY. I don't even understand what the gentleman is talking about.

Mr. PUTNAM. The gentleman took great umbrage at me asking to yield to answer his question.

Mr. OBEY. No, I did not. I took great umbrage at you interrupting me.

Mr. PUTNAM. Reclaiming my time.

Mr. OBEY. I told you I would not yield.

Mr. PUTNAM. Reclaiming my time.

The SPEAKER pro tempore (Mrs. MILLER of Michigan). The gentleman from Florida has the floor.

Mr. PUTNAM. Thank you, Madam Speaker.

Mr. OBEY. You don't like the answer.

Mr. PUTNAM. I am reclaiming my time. I offered you the time. I reclaimed it. That is my understanding of how the situation works. And we heed the gavel.

Madam Speaker, I am delighted to yield 4 minutes to a member of the Appropriations and Select Intelligence Committee, the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Madam Speaker, there has been some discussion about prescription drugs and the difference in philosophy between allowing the free market to work to bring drug prices down versus having the Federal Government negotiate the prices. And I have spent some time in the private sector dealing with the Federal Government, and I have observed two different types of contracts. And I think they very well represent the two concepts in providing for prescription drugs for our seniors.

If you look at a Federal negotiations for drug prices, essentially you are looking at sole source contracts. This is where the Federal Government goes out and says, okay, you are going to be the provider for this prescription drug, and we want to know what your costs are and then we are going to give you a fair and reasonable profit margin on top of that.

Well, that philosophy has been used in Federal procurement for a very long time. In fact, during the 1980s, there was a lot of controversy during the expansion of our defense capabilities using sole source contracts. And when they reviewed these sole source contracts, the government found that in some cases, a pair of pliers was being sold for $750. In other cases, a hammer was sold for $1,200 under, again, a sole source contract. They even had coffee pots that were costing $4,200, again, a sole source contract.

And there was a big shift in philosophy in the procurement side of the Department of Defense to competition, competitive contracts, having two companies bid against each other to provide the same service or object so that they could get a lower fee.

What we have done in Medicare part D is provide a market-based strategy where individual companies are competing for the lowest price out there for the consumer, the person who is receiving the pharmaceuticals. And what we have seen is a significant reduction in price. And the competition has gotten so strong now that the bigger companies in our economy are starting to weigh in, like Wal-Mart. Wal-Mart now has gone to these prescription manufacturers and they have gone to generic manufacturers, and they have come up with a new method of being more competitive than everyone else.

Now, some people say Wal-Mart is an evil company, it is exactly what is wrong with America. I don't. I think Wal-Mart has been significant in contributing to productivity. In fact, they contributed about 20 percent of the productivity in the 1990s. They have raised the standard of living across America. They have 1.3 million employees. They have done an excellent job. And, today, they are moving into the pharmaceutical market where they are bringing lower cost prescriptions to seniors by negotiating rates and prices, and by competing in the free market at the highest level.

So I think that we should be very thankful that we are not doing a sole source contract for pharmaceuticals, because the philosophy of having it cost plus profit says to the pharmaceutical companies: Bury stuff in your costs. Put more research and development, put your overhead in there, expand your buildings, hire additional people that you may or may not need, but inflate those costs. Because when you do inflate those costs, then your profit, which is a percentage of cost, is actually greater.

So to have the Federal Government go out and negotiate these sole source contracts with pharmaceuticals encourages higher costs. It encourages companies to bury costs into the bottom line there so that they can show a higher profit; the profit which is a percentage would be higher because it is applied to a larger base or the cost of the pharmaceuticals.

Competitive forces in pharmaceuticals are bringing the price down. We saw projections when we were looking at Medicare part D legislation about how high the costs were going to be. Today, in a comparison, the costs for the same pharmaceutical drugs that are most common have significantly been reduced.

And now we've heard some concerns now about people hitting the so called donut hole and they have to pay now more for their prescription drugs than ever before. Well, that is not true. The price is lower. And, if you go back a couple of years, they were getting no help from Medicare part D. Today there is a donut hole; it does get some people, but there have been thousands and thousands of dollars per individual applied, including for my own family, where they have had help getting pharmaceuticals. And that has been an important contribution to our culture and to the health of seniors.

Ms. MATSUI. Madam Speaker, I just want to make a comment that the Department of Veteran Affairs has been very successful lowering prescription drug prices by negotiating directly with the drug companies.

Madam Speaker, I would like to yield 3 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Madam Speaker, I rise today to defeat the previous question on the rule so that the House can finally consider the real issues facing American families.

You know, many conservative writers have called the Congress the less-than-do-nothing-congress, particularly at a time when there is concern on all parts of the political spectrum about the growth of the power of the Executive Branch of the government. Our forefathers warned us about this. No oversight, no oversight as to what is happening.

Look at what happened in the Interior Department in just the last 10 days and the HUD Department by Inspector Generals. That is a disgrace. And you can try to get us off track all you want, we are going to stay on track. This is not so much a question of less days, which we will be here, this is a question of less progress more than anything else.

You tell me if it is not irresponsible 5 years after September 11, 2001, that this Republican Congress is set to adjourn without fully implementing the 9/11 Commission recommendations to make our country safer. I am listening.

You tell me if it is not irresponsible that this Republican Congress pays lip service to the importance of higher education, and yet they are set to adjourn after making it harder to pay for college by cutting $12 billion over the next several years to student aid.

You tell me if it is not irresponsible that the Republican Congress has been a rubber stamp for the White House's Big Oil policies, and is set to adjourn without passing an energy plan that decreases dependence on foreign oil.

What is our answer? We are addicted to oil, Mr. President, you said in the State of the Union, and that is why we are going to drill off five States in this union. We lost our addiction, I guess, on the way.

It is irresponsible that this Congress is set to adjourn without increasing the minimum wage to $7.25 for up to 15 million hardworking Americans and their families. That is irresponsible. You attached it to another bill. You are good at it. You look back over the last several Congresses, you are good at attaching these things.

It is indeed irresponsible that millions of Americans are suffering the economic injustice of working a full-time job and earning a wage that leaves them below the poverty line. You tell me if it is not irresponsible that wages are stagnant, and that we are $1,700 below the median income of 6 years ago. You tell me if that is responsible. The fact is that it takes a minimum wage earner more than 1 day of work just to earn a full tank of gasoline.

The minimum wage is no longer a livable wage. Get it? As health care, grocery, energy and housing costs skyrocket for average Americans, house Republicans would rather help their CEO friends.

Madam Speaker, I urge the defeat of the previous question.

□ 1200

Mr. PUTNAM. Madam Speaker, I remind the gentleman again that the House had an opportunity to pass a minimum wage bill, and we passed it over the objections of the other side of the aisle. We passed it.

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

Ms. MATSUI. Madam Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Madam Speaker, I want to interject myself in the spirit of debate that we are having here, and want to thank both sides for making this a bit more fun than normal. But we heard a couple of words here today, one of them was ''bitterness,'' one of them was ''market forces,'' and one was ''business.''

If you look at the Republican-controlled Congress and you look at running the government like a business, I think you fail on all accounts. I think when you talk about losing $9 billion in Iraq, and no one knows where it is, that is not running government like a business. When you look at all of the waste, this government is being run like it is 1950 with misleading information. Now we are moving into a new economy, knowledged-based and information-based, and the government has not changed at all.

All of the guys who came in here with Newt Gingrich in 1994, you may remember the big Republican revolution, we are going to balance the budget, we are going to run this thing like a business, we are going to have a smaller government, you are talking about a trillion dollar Medicare drug program, and you have to go back to your conservative base and you have to tell them that you passed it without any ability to negotiate down the drug prices. Good luck in the next 5 weeks.

You have to go back to them and say we are for free markets. But when we ask to get reimportation into this country from Canada and some of the G–7 countries to drive the prices down, you all were against it. That is not worshiping the free market like you normally do.

There are a lot of contradictions going on here, and I think we need to point this out to the American people.

Another thing that I think is even more important, as you guys move away from what your rhetoric is, is that this President and this Congress has borrowed more money from foreign interests than every single President in Congress before you. That is not conservative Republicanism. That is not running your government like a business.

If we don't get past all this rhetoric and doing something else, we are not going to be able to move the country forward. All of these games, we are now competing with 1.3 billion citizens in China and 1 billion citizens in India; hard-core brutal competition, and we are not investing back into the American people. We cannot even give them a slight pay raise. When you guys have given this Congress $30,000 in pay raises, you can't even raise the minimum wage.

We have to invest in these people. You can't compete with 300 million people against the whole globe and say just a small fraction of our society is going to be able to compete. If you can afford to go to a good private university, if you can afford the tuition, then you are going to be just fine. If you are a trust fund baby, you are going to be just fine.

Let us invest in the American people. We need everybody on the field playing for us. And I think Mr. OBEY's frustrations is that day in and day out you guys go to great lengths to walk the planks for your political donors. That's the bottom line. You can't argue away from negotiating down drug prices.

And thank God in your case for Wal-Mart. They saved you with Katrina bringing water down and making sure it got in. Thank God for Wal-Mart. If it was not for them, we would really be in a trick. Their $4 prescriptions are going to be helpful, and down in Katrina they were the ones getting the water in when FEMA was like a three-ring circus.

That is not running government like a business. So get your actions to match your rhetoric, and we will all be able to get along a lot better.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). The Chair would remind all Members to address their remarks to the Chair.

Mr. PUTNAM. Mr. Speaker, I appreciate the gentleman's remarks. I am glad he does not represent the collectivist view of some on the other side of the aisle in that he appreciates that market forces, not government decree or government fiat, are driving down prices. I am glad that he recognizes the role that free enterprise plays in delivering better, faster, cheaper health care to patients in need.

This bill before us, though, Mr. Speaker, is about updating the Foreign Intelligence Surveillance Act, moving forward on homeland security appropriations, and moving forward on a tribunal issue so that we deal with the terrorists who have already waged war on American soil and those who have been collected in the battlefield in the subsequent conflicts. This is the issue before us.

While there has been a great deal of passion and bitterness thrown around this Chamber, this is a same-day rule to move forward on those three items.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, I couldn't agree more with one of the statements from a colleague on the other side of the aisle when he said a lot of contradictions are going on here.

Here we are talking about a bill to bring to the floor now for national security purposes, that is what it is about, but we are hearing all of these other things. We ought to do this and we ought to do that.

I remind my colleagues on the other side of the aisle, it is this body that passed the minimum wage raise and it was the body down the hall that did not. I would encourage them if they could go make these same speeches down at the other end in the offices of the Democrats, then we might could get four out of all of those Democrats who would go along with the Republicans and get that minimum wage bill passed, and we would be in good shape then, if that is what they feel.

The contradiction, though, when we talk about a lot of contradiction going on here, as my friend, Mr. RYAN, spoke of, all I could think of was the contradiction in complaining about gas prices, what they are doing to people. Yes, they are hurtful. They hurt our country badly. But the contradiction was why they acted so bothered when prices of gasoline went up. That is what they fought vehemently for all of these last 2 years that I have been here. No, this is exactly what they fought for when they opposed drilling in the Outer Continental Shelf. It is exactly what they fought for when they opposed drilling in ANWR. It is exactly what they fought for when they opposed an energy policy bill finally getting through that went basically much on party-line vote.

And then after Katrina and Rita when we were so fearful about all of the refineries being in trouble, we knew we needed more refineries. We knew we needed alternative energy incentives. And what happened, we passed the energy bill in October, again basically on a party-line vote, that would create incentives for independent oil companies to build refineries, including away from the coast, would increase incentives for biofuels, alternative energy sources, and they were fighting over that.

So the contradiction is how you could fight against all of the things that would give us energy independence and then seem upset that the gas prices went higher.

Thank goodness the policies we set in place a year ago are starting to work because that is national security. The rest of national security are some of the things we are taking up for the good of our troops and this country, and I would urge the passing of this rule.

Ms. MATSUI. Mr. Speaker, I yield 10 seconds to the gentleman from Ohio (Mr. RYAN) to respond.

Mr. RYAN of Ohio. Just to clarify to the gentleman from Texas, our frustration is as the gas prices were high, you all were putting $12–15 billion in corporate subsidies to the oil companies while they were having record profits. That's the frustration.

Mr. PUTNAM. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I thank the gentleman, my colleague on the Rules Committee for yielding me this time.

As my colleague pointed out in his remarks, this is about a same-day rule. It is very simple and straightforward, as Mr. PUTNAM explained so clearly. We are asking this body to allow us to debate and pass legislation regarding military commissions so that we can try and bring to justice these terrorists. And by the way, 164 of my colleagues on the other side of the aisle yesterday voted against that.

Also in this same-day rule is to allow us to address this issue of wiretapping necessary to listen to the conversations, international conversations between al Qaeda and people in this country who would do us harm, to modernize that 1978 law which needs modernization to protect our American people. That is what this is all about.

Mr. Speaker, I was in my office and did not intend to speak on this rule, but I heard my colleagues talk about all of these issues and things that we haven't done, and then they got to the Medicare modernization and the all-important prescription drug part D plan for Medicare that we finally delivered to our American seniors back in November of 2003 when they have been asking for the 40 years that the Democrats controlled this body for relief and got now. And now they are railing against this issue saying it is a giveaway to the pharmaceutical industry and that we would not allow government price controls. No, we would not because we don't like price controls. We want the free market to determine the prices; and, indeed, they can't deny the fact that the prices are coming down. This is working, and they can't stand it.

Mr. Speaker, I want to point out finally that in their version of the bill, and I will mention just one, back in 2000, Congressman STARK of the Ways and Means Committee had a bill that included the very same language in regard to no government price controls, let the free market work, and 204 Democrats voted in favor of that.

Mr. RYAN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. GINGREY. I yield to the gentleman from Ohio.

Mr. RYAN of Ohio. I appreciate the gentleman yielding.

You are talking about letting the free market work. You shut down. You have a closed market with pharmaceuticals. We wanted to allow reimportation in from Canada; you wouldn't allow that. And if the free market was working, just like Wal-Mart, I am sure they are buying in bulk and using the negotiating power of Wal-Mart, just like they do on everything else to keep the prices down. You are not allowing the free market to work.

Mr. GINGREY. Reclaiming my time, I know the gentleman knows that in the defense appropriations bill, that we have language in there right now that would allow it to be legal for our seniors that live at or close to the border to go across the border either into Canada or Mexico and buy those lower priced drugs.

But the point is this bill, Medicare Modernization and Prescription Drug Act, is lower in prices to the point where all of that is not even necessary.

Ms. MATSUI. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I urge all Members to vote ''no'' on the previous question. If the previous question is defeated, I will amend the rule so the House can immediately take up five important bills that actually do something to help Americans and make them safer.

Mr. Speaker, I ask unanimous consent to insert the text of my amendment and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. MATSUI. Mr. Speaker, my amendment provides for immediate consideration of the following five bills.

One, a bill to implement the recommendations of the 9/11 Commission.

Two, legislation to increase the minimum wage to $7.25.

Three, a bill to give authority to the Secretary of Health and Human Services to negotiate for lower prescription drug prices for senior citizens and people with disabilities.

Four, a bill to repeal the massive cuts in college tuition assistance imposed by the Congress and would expand the size and availability of Pell Grants.

Five, a bill to roll back tax breaks for large oil companies and invest those savings in alternative fuels to achieve energy independence.

Mr. Speaker, every one of these bills will make important changes to help hardworking Americans and their families. These bills should have been enacted a long time ago. But there is still time and opportunity to do something today. All it takes is a ''no'' vote on the previous question. For once, let's do the right thing and help the people we were sent here to serve.

Again, vote ''no'' on the previous question.

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

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

Mr. Speaker, in my short 6 years here, I don't think I have ever seen nerves so raw on a same-day rule. It is, I think, a function of the calendar, a function of the end of the session where temperatures run high and passions are certainly in overdrive as we all are watching the clock wind down and wanting to make our points to the American people.

The points that are embodied in this legislation before us at this moment are keeping America secure. Most of the debate on this same-day rule has not been on the topic at hand.

We have successfully passed Medicare modernization, something that was not accomplished in the previous 40 years. It was this majority that accomplished that and gave seniors the modern access to prescription drugs that they did not have previously.

It was this Congress that delivered not one but three substantial energy independence bills.

□ 1215

Bills that would allow us to reduce our reliance on countries that often don't like us for the economic lifeblood that this Nation requires, by expanding our own capacity, expanding exploration, expanding refining capacity, expanding renewables, putting an emphasis on American agriculture so that we can grow our way to energy independence, investing in renewables like solar and wind and hydroelectric, investing in long-term technologies like hydrogen. That was this Congress that passed those items in three different vehicles, including a passage that would have fixed the Clinton administration's billion dollar giveaway to Big Oil in the Gulf. That was this Congress that passed that legislation, over the objections of the minority.

The issue at hand is homeland security appropriations, the funds that are necessary to put boots on the ground on the border; to hire 1,200 new Border Patrol agents; to expand the Customs capabilities; to use the technology and communications capacity that this great Nation brings to bear to break up, disrupt, and arrest terrorists who are plotting to do us harm. That is in this bill.

To update the Foreign Intelligence Surveillance Act of 1978. Surely, surely, there must be agreement that this Foreign Intelligence Surveillance Act of 1978 should be modernized to reflect things like the cell phone, multiple access to the Internet, all the tools the terrorists use to plot against innocent women and children and civilians and our military personnel at home and abroad. This is the vehicle to accomplish that. This is the vehicle that allows us to move those items that are so important to this agenda.

We have already moved the energy items they were talking about. Passed. We have already passed out of this body a minimum wage that they were so eloquent and so passionate about. Many voted against it, but it passed this body under this majority. We have passed the prescription drug plan. We have increased the number of students benefiting from Pell Grants.

But this piece of legislation that nobody wanted to talk about deals with national security, protecting our people, securing our borders, listening to the bad guys, locking them up and keeping them from doing future harm.

Let us move this same-day resolution. Let us move this agenda to keep America safe, secure, and prosperous. Let us continue to have a free society that creates free enterprise, that creates capitalism so that companies can choose to do things like lower drug prices on their own, not by government decree. Let us foster that type of environment. Let us foster the type of research and development and the investments that are required for research and development that were opposed by the other side when we moved the minimum wage bill. Let us continue to press on with that agenda, the secure America agenda, the economic prosperity agenda, and embrace the free enterprise and entrepreneurs. That is the agenda that we are moving forward in this same day.

The material previously referred to by Ms. MATSUI is as follows:

PREVIOUS QUESTION FOR H. RES. 1046, MARTIAL LAW RULE-WAIVING CLAUSE 6(a), RULE XIII

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

SEC. 3. Notwithstanding any other provisions in this resolution and without intervention of any point of order it shall be in order immediately upon adoption of this resolution for the House to consider the bills listed in Sec. 4:

SEC. 4. The bills referred to in SEC. 3. are as follows:

(1) a bill to implement the recommendations of the 9/11 Commission.

(2) a bill to increase the minimum wage to $7.25 per hour.

(3) a bill to provide authority to the Secretary of Health and Human Services to negotiate for lower prescription drug prices for senior citizens and people with disabilities.

(4) a bill to repeal the massive cuts in college tuition assistance imposed by the Congress and to expand the size and availability of Pell Grants.

(5) a bill to roll back tax breaks for large petroleum companies and to invest those savings in alternative fuels to achieve energy independence.

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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). As we close this debate, the Chair would make a brief statement.

Members should bear in mind that heeding the gavel that sounds at the expiration of their time is one of the most essential ingredients of the decorum that properly dignifies the proceedings of the House.

In addition, proper courtesy in the process of yielding and reclaiming time in debate, and especially in asking another to yield, helps to foster the spirit of mutual comity that elevates the deliberations here above mere arguments.

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.

Ms. MATSUI. 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 questions previously postponed.

Votes will be taken in the following order:

ordering the previous question on H. Res. 1045, by the yeas and nays; adoption of H. Res. 1045, if ordered; ordering the previous question on H. Res. 1046, by the yeas and nays; adoption of H. Res. 1046, 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 MOTIONS TO SUSPEND THE RULES

The SPEAKER pro tempore. The pending business is the vote on ordering the previous question on House Resolution 1045, on which the yeas and nays are 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 223, nays 196, not voting 13, as follows:

[Roll No. 495]

YEAS—223

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—196

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Hefley
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—13

Brown (OH)
Castle
Evans
Green (WI)
Lewis (GA)
McKinney
Meehan
Moore (KS)
Ney
Strickland
Stupak
Towns
Westmoreland

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Messrs. GUTIERREZ, MURTHA, HONDA, HEFLEY and Mrs. JONES of