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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.

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

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further pro-

ceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

□ 1130

PROVIDING FOR CONSIDERATION OF H.R. 2895, NATIONAL AFFORDABLE HOUSING TRUST FUND ACT OF 2007

Ms. CASTOR. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 720 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 720

Resolved, 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 consideration of the bill (H.R. 2895) to establish the National Affordable Housing Trust Fund in the Treasury of the United States to provide for the construction, rehabilitation, and preservation of decent, safe, and affordable housing for low-income families. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. 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 Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. 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. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

SEC. 2. During consideration in the House of H.R. 2895 pursuant to this resolution, notwithstanding the operation of the previous

question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from Florida (Ms. CASTOR) is recognized for 1 hour.

Ms. CASTOR. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS).

All time yielded during consideration of the rule is for debate only, and I yield myself such time as I may consume.

GENERAL LEAVE

Ms. CASTOR. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 720.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Ms. CASTOR. Mr. Speaker, House Resolution 720 provides for consideration of H.R. 2895, the National Affordable Housing Trust Fund Act of 2007.

As the Clerk read, the rule provides for 1 hour of general debate controlled by the Committee on Financial Services. The rule waives all points of order against consideration of the bill, except for clauses 9 and 10 of rule XXI.

The rule makes in order the Financial Services reported substitute. The rule makes in order eight amendments, including a complete Republican substitute. The amendments are each debatable for 10 minutes, except for the Neugebauer substitute, which is debatable for 20 minutes. The amendments are not amendable or divisible.

All points of order are waived against the amendments, except for clauses 9 and 10 of rule XXI. The rule also provides one motion to recommit with or without instructions.

Mr. Speaker, so many American families today are facing a critical housing crunch. The cost of an apartment or a home is out of reach for so many, but there is good news. Many of us in this Congress understand and will keep fighting for a new direction for America and more affordable housing.

Today we will create a landmark affordable housing trust fund under H.R. 2895 in this rule, which will provide over 1.5 million new affordable homes for hard-working folks across America over the next decade. I would like to thank Chairman BARNEY FRANK and Chairwoman MAXINE WATERS for their dedication to American families in their efforts to make housing affordable and available to those who could use a helping hand.

They pledged at the beginning of this new Congress that they would focus on affordable housing, and they have stayed true to their word.

Four other bills in addition to this one that will be considered today expand American homeownership and provide relief to our neighbors, many of whom have been subjected to foreclosure due to predatory lending in the subprime loan crisis.

This new affordable housing trust fund will focus on construction, rehabilitation and preservation of affordable housing in our hometowns and communities across America. The trust fund will pool monies, together with State, local and private housing initiatives to target housing to families with the greatest economic need.

The innovative, dedicated funding mechanism for this new trust fund comes at no new cost to taxpayers. Our efforts come at a critical time. Federal money for affordable housing has largely disappeared under this current administration. Health care costs are out of sight, the cost of living is higher, and many of our neighbors have not received raises that keep up with these rising costs.

We have heard from so many Americans across this country. For example, in south St. Petersburg, just recently, I was talking with a police officer that works for the City of St. Petersburg. He said it was his dream to have his young son move into his neighborhood nearby. Unfortunately, affordable housing in that neighborhood is all but gone, and he will just not be able to swing it.

In addition, local housing agencies across America have thousands upon thousands of Americans on waiting lists for affordable housing. In my hometown of Tampa, Florida, during a 1-week open enrollment session, more than 10,000 seniors, families and veterans indicated a need for affordable housing. But there is just no inventory.

Instead of receiving housing, they are placed on a waiting list. That waiting list takes 4 years, and it makes affordable housing completely unreachable for the other people that simply never made that call for help.

The number of American households paying more than half of their incomes on housing increased to 17 million in the year 2005, with one in seven U.S. households being severely housing-cost burdened. This imbalance is very troubling, and when combined with predatory subprime loans, it has caused many homeowners to lose their homes. In the Tampa Bay area alone, in the first 6 months of this year, over 10,000 of my neighbors have found that their homes have fallen into foreclosure.

This new affordable housing trust fund will provide for the new construction, preservation of existing housing and homeownership, assistance, emergency housing repairs and housing-related services. Help is on the way.

H.R. 2895 is a positive step in a new direction to ensure that more families are able to find clean, safe, stable and affordable places to live. I am proud to support this bill and this rule, and I urge the Congress to pass this legislation.

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

Mr. HASTINGS of Washington. I thank the gentlelady from Florida (Ms. CASTOR) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. This rule provides for the consideration of a bill to establish a national affordable housing trust fund. Members of this House share in the commitment to meet the housing needs of lower-income Americans. However, we differ on how to best achieve this goal.

The bill that will be before us today creates a new, a new national housing trust fund, and, with it, a whole new level of Federal bureaucracy. There are already over 30 separate Federal programs designed to promote affordable housing. The new trust fund, created by the underlying bill, is modeled in large part on one of those existing programs, the HOME Investment Partnership Program.

Why create a new level of Federal bureaucracy to administer essentially the same program that is already being successfully administered by State and local governments closest to the problem? It seems to me that ought to be a big subject of the debate that we have today.

Mr. Speaker, I am pleased that this rule makes in order a substitute amendment offered by Mr. NEUGEBAUER of Texas that would establish a national affordable housing grant fund program within the current HOME program. This proposal would meet the need and meet the goal of expanding rental and home ownership opportunities for low-income families without adding new layers of red tape. While I support the Neugebauer amendment being made in order, I am troubled that this is the only Republican amendment allowed to be considered under this restrictive rule.

A total of 15 amendments were submitted to the Rules Committee by the 10 a.m. deadline yesterday. One amendment offered by Representative CAPUANO of Massachusetts to change the short title of the bill to the "Barney Frank National Affordable Housing Trust Fund Act of 2007" was withdrawn. Out of the remaining 14 amendments, seven were submitted by Democrats and seven were submitted by Republicans. This rule makes all seven amendments offered by Democrats made in order, but just one Republican amendment. If this rule is adopted, many thoughtful ideas will be denied the opportunity to be considered on the House floor today.

Unfortunately, shutting out amendments offered by Republicans has become the norm for the Democrat Rules Committee.

Americans want to see Members on both sides of the aisle work together to address the problems our Nation faces. Unfortunately, with this restrictive rule, the Democrat majority has chosen to deny millions of Americans a voice on several significant issues related to meeting the affordable housing challenges that lower-income Americans face. Therefore, I must urge my

colleagues to vote against House Resolution 720.

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

Ms. CASTOR. Mr. Speaker, I will inquire of my colleague from Washington if he has any additional speakers. Otherwise, he can proceed to close.

Mr. HASTINGS of Washington. Mr. Speaker, I had requests from two Members, but I see they are not here. If the gentlelady has no more speakers, I will be prepared to close on my side.

Ms. CASTOR. That's correct, we have no speakers. We have requests as well, but they are not here in attendance, so I think it's safe to proceed to close.

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

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

House Republicans believe that every earmark should be debatable on the House floor and that the House earmark rules are flawed when it comes to the enforceability of earmarks.

Earlier this year, Republican Leader BOEHNER introduced a measure to close loopholes in the rules and allow the House to debate openly and honestly earmarks contained in all bills. Currently, 196 Republicans have signed a petition to bring this proposal to the floor for immediate consideration.

Unfortunately, we need 22 more Members in order to get real earmark reform before this can be considered by the House. The House cannot delay action on this any longer. Each day we put off closing loopholes in the House earmark rules, American taxpayers are left to wonder what hidden earmarks are contained in bills before the House. It is time we act to prove to American taxpayers this House is serious about earmark transparency and enforceability.

I will be asking my colleagues to vote "no" on the previous question, so that I can amend the rule to allow the House to immediately consider House Resolution 479 introduced by Republican Leader BOEHNER. By defeating the previous question, the House will still be able to consider the National Affordable Housing Trust Fund Act today, but we will also be able to address the earmark enforceability in order to restore the credibility of this House.

Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous material inserted into the RECORD prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I ask my colleagues to oppose the previous question and the restrictive rule which denies debate on several significant issues related to increasing the availability of affordable housing with the most efficient and effective use of government resources.

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

Ms. CASTOR. Mr. Speaker, despite the threatened veto by the White House, we will continue to stand on the side of America's hardworking families today and pass this landmark affordable housing trust fund bill. This will help our States and our communities achieve over 1 million new affordable homes for our neighbors over the coming years.

I urge a "yes" vote on the previous question and on the rule.

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

AMENDMENT TO H. RES. 720 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

SEC. 3. That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider the resolution (H. Res. 479) to amend the Rules of the House of Representatives to provide for enforcement of clause 9 of rule XXI of the Rules of the House of Representatives. The resolution shall be considered as ordered on the resolution to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; and (2) one motion to recommend.

(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."

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

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

□ 1145

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on postponed questions, in the following order:

ordering the previous question on H. Res. 720, de novo;

adoption of H. Res. 720, if ordered;

ordering the previous question on H. Res. 719, de novo; and

adoption of H. Res. 719, 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. 2895, NATIONAL AFFORDABLE HOUSING TRUST FUND ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the question on or-

dering the previous question on House Resolution 720, which the Chair will put de novo.

The Clerk read the title of 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 Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 223, nays 195, not voting 13, as follows:

[Roll No. 951]

YEAS—223

Abercrombie	Green, Al	Murphy, Patrick
Ackerman	Green, Gene	Murtha
Allen	Grijalva	Nadler
Altmire	Gutierrez	Napolitano
Andrews	Hall (NY)	Neal (MA)
Arcuri	Hare	Oberstar
Baca	Harman	Obey
Baird	Hastings (FL)	Oliver
Baldwin	Herseth Sandlin	Ortiz
Becerra	Higgins	Pallone
Berkley	Hinchee	Pascarell
Berman	Hinojosa	Pastor
Berry	Hirono	Payne
Bishop (GA)	Hodes	Perlmutter
Bishop (NY)	Holden	Peterson (MN)
Blumenauer	Holt	Pomeroy
Boswell	Honda	Price (NC)
Boucher	Hooley	Rahall
Boyd (FL)	Hoyer	Rangel
Boyd (KS)	Inslee	Reyes
Brady (PA)	Israel	Richardson
Braley (IA)	Jackson (IL)	Rodriguez
Brown, Corrine	Jackson-Lee	Ross
Butterfield	(TX)	Rothman
Capps	Jefferson	Royal-Allard
Capuano	Johnson (GA)	Ruppersberger
Cardoza	Jones (OH)	Rush
Carnahan	Kagen	Ryan (OH)
Carney	Kanjorski	Salazar
Castor	Kaptur	Sánchez, Linda
Chandler	Kennedy	T.
Clarke	Kildee	Sanchez, Loretta
Clay	Kilpatrick	Sarbanes
Cleaver	Kind	Schakowsky
Clyburn	Klein (FL)	Schiff
Cohen	Kucinich	Schwartz
Conyers	Lampson	Scott (GA)
Cooper	Langevin	Scott (VA)
Costa	Lantos	Serrano
Costello	Larsen (WA)	Sestak
Courtney	Larson (CT)	Shea-Porter
Cramer	Lee	Sherman
Crowley	Levin	Shuler
Cuellar	Lewis (GA)	Sires
Cummings	Lipinski	Skelton
Davis (AL)	Loebsock	Slaughter
Davis (CA)	Lofgren, Zoe	Smith (WA)
Davis (IL)	Lowey	Snyder
Davis, Lincoln	Lynch	Solis
DeFazio	Mahoney (FL)	Space
DeGette	Markey	Spratt
Delahunt	Marshall	Stark
DeLauro	Matheson	Stupak
Dicks	Matsui	Sutton
Dingell	McCarthy (NY)	Tanner
Doggett	McCollum (MN)	Tauscher
Donnelly	McDermott	Taylor
Doyle	McGovern	Thompson (CA)
Edwards	McIntyre	Thompson (MS)
Ellison	McNerney	Tierney
Ellsworth	McNulty	Towns
Emanuel	Meek (FL)	Udall (CO)
Engel	Meeks (NY)	Udall (NM)
Eshoo	Melancon	Van Hollen
Etheridge	Michaud	Velázquez
Farr	Miller (NC)	Vislosky
Fattah	Miller, George	Walz (MN)
Filner	Mitchell	Wasserman
Frank (MA)	Mollohan	Schultz
Giffords	Moore (KS)	Waters
Gillibrand	Moore (WI)	Watson
Gonzalez	Moran (VA)	Watt
Gordon	Murphy (CT)	Waxman